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United States of America

—Territory of Arizona.—

Roll of Attorneys.

Supreme Court of the Territory of Arizona

We (and each of us) do solemnly swear that we will support (and defend the Constitution of the United States, and the Laws of the Territory of Arizona against all enemies foreign and domestic; That we will bear true faith and allegiance to the same; That we will well and faithfully discharge the duties of Attorney and Counselor at law of the Supreme Court of the Territory of Arizona to the best of our knowledge and ability: So help me God.

Chas Zeilik	March 8th 1886
Wm C. Wallace	March 13 1886
Francis J. Heney	March 13th " 1886
Frank A. Hereford	July 8th 1886
John P. Tyler	July 8th 1886.
Geo A. Cluff	" 9th 1886.
C. Norris	Feby. 5th 1887.
Richd H. Peshine	April 29 1887
Allen L. Psyhesh	April 29th 1887.
A. D. Ruffy	April 30 1887
Max Ehrlich	August 6th 1887
George M. Knight	Aug 1st 1887
H. L. Bemis	Sept 15th 1887
P. S. Perley	Sept. 29. 1887.
Wm O'Neil	Jan 2d. 1888.
J. F. Wilson	[illegible] 2d 1888.
J. Richard Gray	March 13 1888
George H. Hood	April 2d 1888
E. [illegible]	
Samuel Purdy	
Charles H. Ainsworth	February 11th 1888
Walter F. Lyon	" " "
Wm C. Stratton	
[illegible]	

Ira E. Leonard	January 13th	1889
P. J. Balvin	" 13	1889
Thomas J. White	" 18	1889
Fred H. Smith	March 25th	1889
Frank Baxter	May 16th	1889.
John Keenan	June 6th	1889.
Walter G. Scott	June 18th	1889.
L. V. Wallace	August 20th	1889
J. B. Carfy	Sept. 30th	1889.
J. Lacey Kirkland Purdey Kelyea	Oct 14th	1889
Robert Burns	" 26th	1889
P. B. McCabe	" 30	1889
Clarke Howard.	Nov 4th	"
Lafe B. Woodward	December 20th A.D. 1889	
J. L. Hare	Dec 27th	1889
Henry Striglitz	Jan. 10th	1890
Wm. H. Porter	" 13th	1890
H. Livingsbury	Jan. 14th	1890
E. A. Jobs	" 17th	1890
H. M. Bams	" 13th	1890
Frederick M. Fuhz.	April 19	1890
Thos A. Burton	May 19	1890
Wm. S. Blakely	~~June 2nd~~ June 2nd	1890
Edward M. Cox	June 3d	1890
William Jackson	June 5th	1890.
Enoch W. French	June 5	1890
William Wilkinson	" 6th	1890
Robt E. Morrison	June 5th	1890.
John M. Murphey	" 12th	1890
Abram Humphries	Aug 22	1890
W. O. Ferguson		
W. G. Stewart	Jan 21	1890
Jno. M. Swain	July 17	1891
Chas. L. Clark	March 5.	1891
Charles Bowman	June 3d	1891
Henry L. Wharton	Sept 17	1891
Charles Granville Johnston	" 29	1891
P. Reddy	Nov 13th	1891
George Olsrud	Dec 26th	1891
J. W. Burnett	Jan 11th	1892
Bert Estes	" "	"
Thomas S. Brush	" "	"
Karl Snyder	" "	"

J. Lacey Kirkland Purdey Kelyea — Ordered changed to George Purdy Kelland March 31-1906.

name changed in Dist. Court Yuma Co. Oct 8-1894.

James Dunnett		January 12th 1892
E. Ellenwood		Janu 17th " 1892
James H. Wright		Janu. 18th " 1892.
Thos Armstrong Jr	Phoenix	September 26– 1892
E. Hazzard	Gila Bend	September 27th 1892
Chas T. Robertson	Globe	October 8th 1892
J. L. VanDerdonckar	Yuma	" 19. "
W. D. Monroe	Mesa	Nov 10. "
J. M. Wright		August 6. 1887
by Pat. M. Kelliher	Kingman	Dec 31 1892
T. J. Howell	Phoenix	Jany 10 1893
Pierce Evans	"	Jany 11 "
McGowan S. M.	Ft Mohave	
Sarah Leslie Herring		Jan. 12th 1893.
M. E. Wilson,		" 25 "
B F Morgan		Jany 28– 1893
Walter S. Tucker.		Mch 29– 1893
Frank Stuyvesant		April 8– 1893
Wiley E. Jones,		April 13– 1893.
Rose M King		Apr. 17– 1893
Albert P. Sherman		Nov 27 1893
Elias S. Clark		Dec. 22 1893
William J. Bailey		Jan 10 1894
Hall & Hastings		Jan 13 1894
by J.S.B.a W. F. Hilzinger		Jany 18th 1894.
T. F. Moriarty		Jan. 24th " 1894
W. G. MacDougal		Jany 29 " 1894
[illegible]		" 29 " 1894
[illegible]		June 30th 1894
G. W. Glover		March 1894
Alfred McCormick		March 8th. 1894
by J.S.B.a F. N. Charles		April 23rd 1894
[illegible]		[illegible]

by J.S.B.a
Appointed Notary Public Jan 27/94
[illegible]

	John O'Keefe	Jany 17 – 1894 (Name changed on Court May 11-94 from Lastname name on preceding page.)
	Henry J. Andrews.	July. 18th 1894
	Richard J Hartman	July 10. 1894
	Harry J. Buck	July 20 1894
	J.H. Palmer	Oct 17 1894
	Thomas Davis	Oct 17 – 1894
	Will B. Cooper.	Dec 1st 1894
	Charles Blamman	Dec 17. 1894.
	Jas. Grazier	Jan 9th 1895
	A. L. Diggs	Jan 10 – 1895
	T. J. Powers	Janry 14 1895
	H. S. Leach	Janry 24 1895
	Nelson	Jan 25 – 1895
	D. M. McKinney	February 4 1895
By clerk	John McGowan	June 24 1895
	Edgar F. Doehler	July 9 1895
	Hutchinson	July 10th 1895
	Geo. Roy Brown (Capt 11th Infantry)	July 11th 1895
By clerk	Santiago Arriza	August 15th 1895
	Thos D Bennett	August 17, 1895
By clerk	Basil O. Lewis	Nov. 14 – 1895

Court met pursuant to adjournment at Tucson A.T. Thursday July 8th 1886 at 10 O' Clock a.m.

Present: Hon. J.G. Skinner Chief Justice
Hon. Wm. C. Parker associate Justice
Hon. W.F. Barnes Associate Justice
Owen T. Ramsey Esq. U.S. Attorney
W.K. Meade Esq. U.S. Marshal
E.B. Dodge, Clerk By Deputy
Ed. F. Cook, Sheriff, Crier and Bailiffs.

In the matter of the application of John R. Tyler Esq. to be admitted to practice as an Attorney and Counselor in this Court.

Upon motion of Benj. H. Hereford Esq. and on presentation of Certificate of admission to the Supreme Court of the State of New York, it is ordered that upon taking the oath as prescribed by law said applicant be admitted to practice as an Attorney and Counselor in this Court and that the Clerk issue to him the necessary license therefor.

In the matter of the application of Frank Hereford Esq. to be admitted to practice as an Attorney and Counselor in this Court

Upon motion of C.B. Stephens Esq. and on presentation of a Certificate of admission to the District Court of the 2nd Judicial District of Arizona Territory, it is ordered that upon taking the oath as prescribed by law said applicant be admitted to practice as an Attorney and Counselor in this Court and that the Clerk issue to him the necessary license therefor.

James S. Clark Etal
Respondents
vs
Benjamin Titus
Appellant } This Cause having been submitted, and the Court having had the Same under advisement and being fully advised in the premises, Comes now and renders its decision reversing the Judgment of the Court below appealed from and orders that Judgment be Entered accordingly.

The ~~Copper Prince~~ Mining Co.
vs
The Arizona Prince Copper Co. } On motion of Counsel for Appellants it is ordered that Appellants be permitted to file Reply briefs.

Morris Goldwater
Respt
vs
J. W. Bruce Etal applts } On motion of John Haynes Esq. it is by the Court ordered that the time heretofore granted Appellants in which to file Briefs be Extended until October 1st 1886 and Respondents have Thirty days thereafter in which to file Briefs.

John S. Johnson Respt.
vs
P. R. Tully Etals. applts } The transcript in the above Entitled action having been filed in this Court this day, this Cause is placed upon the Calendar by Stipulation of the parties.

It is by the Court ordered that the times allowed in Rule 19 of this Court Relating to Petitions for Re-hearing be so

is hereby Extended twenty five (25) days from this date in all Causes where the Court has rendered ~~judgment~~ and the Remittitur had been issued by the Clerk, prior to this adjourned Term of this Court.

Court adjourned until tomorrow July 9th 1886 at 9 o' clock a.m.

Wm W Barnes
Associate Justice
Wm W Porter
Associate Justice

Court met Friday July 9th 1886 at 9 o'Clock A.M. pursuant to adjournment.

Present His Honor W.W. Barnes Associate Justice
His Honor Wm W Porter Associate Justice
Owen T. Rouse Esq. U.S. Attorney
W.K. Meade Esq. U.S. Marshal
E.B. Dodge Esq. Clerk by Deputy
Sheriff, Crier & Bailiff

T.L. Stiles vs Anna E. Ford } This Cause having been submitted and the Court having had the same under advisement and being fully advised in the premises, It is by the Court ordered that the Judgment appealed from be reversed and Cause Remanded.

Morris Asher Et al vs Joseph Cox Et als } The motion for a rehearing in this Cause having been submitted to the Court, it is now by the Court ordered that the same be denied.

N.B. McCallum
vs
R.F. Paul
} The motion for a rehearing in this cause having been submitted to the Court, It is by the Court ordered that the same be denied.

R.F. Paul, Plaintiff & Appellant
vs
E.C. Shaw, Defendant & Respondent
} Upon motion of King and Dungan Esquires, Attorneys for defendant and respondent; and upon the stipulation of the parties hereto; This ordered that the appeal ~~be dismissed~~ in this action be and the same is hereby dismissed, without Costs. Let remittitur issue forthwith.

Jas. L. Clark et al
vs.
Ben. Titus
} This Cause having heretofore been argued by Counsel for the respective parties and submitted to the Court upon consideration thereof and being fully advised in the premises, it is by the Court ordered that the Judgment of the District Court in this Cause be and the same is hereby reversed with Costs. And it appearing to this Court from the findings of said District Court in said Cause that judgment in said Cause should have been rendered upon said findings in favor of the defendant therein, it is by this Court ordered and adjudged that the Plaintiffs in said Cause take nothing by their said action and that the defendant recover his Costs herein, and that he have restitution of the premises described in the Complaint.
It is further ordered that this cause be remanded to said District Court with directions to enforce and Execute this judgment.

Morris Gaedwater
vs
J.W. Bruce Et al. } In this Cause a diminution of the Record having been suggested by Counsel for Appellant to it is ordered by the Court that the Clerk of the District Court of the First Judicial District in and for the County of Pima do Certify to this Court all matters of record in said Cause in said District Court not included in the Transcript in said Cause and Especially the order of said District Court denying defendants Motion for a new trial therein.

Macario Romero
v
W. A. Dalton } In the above case it is ordered that the same be Submitted on briefs - that appellants have thirty days in which to file & serve his brief - that Respondent have ten days to reply and serve his brief - and appellant have five days thereafter to file and serve reply.

John S. Johnson
v.
O. R. Sully Et al. } In the above Cause it is ordered that the same be submitted on briefs - that Appellant have ~~forty~~ (40) days to serve and file his brief - that Respondent have fifteen days to reply and serve his brief and that appellant have five days thereafter to file and serve his reply.

G. B. Kenney
vs
Pima County } The Briefs of respective parties having been filed, this Cause is submitted upon the same without argument and by the Court taken under advisement.

W. J. Imrie
vs
W. E. Guice et al } This cause coming on to be heard was argued by Messrs. Jaffords & Franklin for Petitioner and by Grant & Oury Esq. for Defendants and submitted and by the Court taken under advisement, with leave given Petitioner ten days from this date in which to prepare and file his brief and that Defendants be permitted to file their Brief

W. B. Bullum
vs
R. F. Paul } Upon motion of Ben Morgan Counsel for appellant an appeal is hereby allowed from this Court to the Supreme Court of the United States.

E. O. Eckhart
vs
L. R. Drake
Assignee etc. } This cause coming on regularly to be heard was argued by T. L. Stiles Esq. for the Assignee and by L. L. Stephens Esq. for Respondent and submitted and by the Court taken under advisement. Leave given Respt. 15 days to serve and file his brief

Ignacio Gonzales
vs
F. M. Ingalls } writ of Habeas Corpus. This cause having been heretofore argued and submitted and by the Court taken under advisement and being fully advised in the premises It is by the Court ordered that the writ be dismissed and the prisoner remanded

Chas. J. Jeffords
vs
Chas E. Kine } This cause having been under advisement and the Court being fully advised in premises orders and

judgment of the lower Court be affirmed.

S.R. DeLong
vs
Chas. T. Kline Et al } This Cause having been taken under advisement: and the Court being fully advised in the premises orders and adjudges that the judgment of the lower Court be affirmed.

In the Matter of the application of Geo. P. Ehlum Esq. to be admitted to practice in this Court.

Upon motion of C. C. Stephens Esq. and upon presentation of a Certificate of admission in the District Court of the 1st Judicial Dist. Arizona Territory, this hereby ordered that the said George P. Ehlum be and he is hereby admitted to practice as an Attorney and Counselor in this Court upon his taking the proper oath and signing the Roll of Attorneys, and the Clerk shall issue to him the necessary license therefor.

In the matter of the appointment of a Court Reporter for this Court. } For the convenience of the Court and that decisions of the Court may be properly and correctly reported in current periodicals and material be prepared for publication, of Reports hereafter, the Court appoints W. K. Barnes as Reporter of the decisions of this Court.

Whereas; An account of E.B. Dodge Clerk of the U.S. Supreme Court of the Territory of Arizona for official Services as therein stated having been Submitted to the U.S. Attorney for approval and it appearing to the Satisfaction of the Court by the oath of Ed H. Cook the Deputy of the said E.B. Dodge upon the account that the services have been actually and necessarily performed as therein States; and the charges appearing to be just and according to law. It is hereby ordered that said account amounting to Eighty Six & 70/100 Dollars be and the same is hereby approved.
Done in open Court in the presence of Orrin T. Rouse U.S. Attorney on this 9th day of July A.D. 1886.

Wm. F. Barnes
Associate Justice
Wm. W. Porter
Associate Justice.

Whereas, W.K. Meade, United States Marshal has rendered to this Court an account of his disbursements for Miscellaneous Expenses incurred at and previous to the Adjd. Janry term 1886 at Tucson A.T. of the United States Supreme Court, with the vouchers and items thereof; and in presence of O.T. Rouse, United States Attorney, has made oath, to the Satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein States, and that the disbursements Charged have been fully paid in lawful money; and whereas said Charges appear to be just and according to law.
It is hereby ordered that the said account, amounting to Eight dollars and Cents, be and the same is hereby approved.

Wm. F. Barnes
Acting Chief Justice

Whereas, W. K. Meade, United States Marshal, has rendered to this Court an account of his Fees and Expenses at the Adjd. Janry Term 1886 with the vouchers and items thereof, and in presence of O. T. Rouse, United States Attorney, has proved, on oath, to the Satisfaction of the Court, that the services and travel Charges therein were actually and necessarily performed, and that the Expenses were necessarily incurred; and whereas said Charges appear to be just and according to law

It is Hereby Ordered that the said account amounting to Twenty dollars be and the same is hereby approved.

Wm. T. Barnes
Acting Chief Justice

Court adjourned sine die.

Wm. K Barnes
Associate Justice

Wm. W. Porter
Associate Justice

Court met Monday Jany. 3d 1887 at 10 o'Clock A.M. pursuant to law.

Present: His Honor, Wm W Porter Associate Justice

Hon O.T. Rouse U.S. Dist. Attorney
E.B. Dodge Esq. Clerk and D.K. Un-
-derwood Deputy U.S. Marshal.

There being no quorum of the Court present by order of Asso. Justice Wm W. Porter: Court adjourned until Thursday Jany 6th 1887 at 10 O Clock A.M.

Court met Thursday, Jan. 6th 1887 at 10 o'clock A.M. pursuant to adjournment.

Present His Honor Wm W Porter Associate Justice
Hon O T Rouse U.S. Dist Atty.
E.B. Dodge Clerk and D.K. Un-
-derwood Deputy U.S. Marshal

There being no quorum present Court took a recess until 7 O'Clock P.M.

Court met at 7 P.M. All present as at recess with Hon. Wm F Barnes Asso. Justice also present.

By order of the Court L.B. Dicson is appointed Crier of this Court for the present term thereof.

Court adjourned until tomorrow Jan. 7th 1887 at 10 o clock A.M.

Court met Friday Jany 7th 1887 at 10 o Clock A.M. pursuant to adjournment.
Present His Hon Wm. W. Porter Associate Justice
His Hon W. F. Barnes Asso. Justice
O. T. Rouse Esq. U.S. Dist. Attorney
N. D. Underwood Dpty U.S. Marshal
Crier & Bailiff
E. B. Dorge Esq. Clerk & Deputy

The Tombstone Mine and Mining Co. Recpt
vs
The Maffitt Mg Co. and D. S. Clark, Respt

This cause having been heretofore taken under advisement, Comes now the Court being fully advised in the premises and orders and directs that judgment be Entered affirming the judgment and order appealed from.

John S Johnson.
vs
P. R. Dudley Etals and Zeckendorf & Co.

Upon motion of O. T. Rouse Esq. this cause is ordered placed upon the calendar.
Upon motion the names of Messrs Rush Wells & Howard are entered as of Counsel for Respondents.

Ex parte Chas. Douglass
petition for writ of
Habeas Corpus

A writ of Habeas Corpus having been heretofore issued out of and under the seal of this Court directed to Thomas Gates, Superintendent of the Territorial Penitentiary at Yuma Requiring said Gates to bring before this Court one Chas. Douglass

confined in said Penitentiary in order that this Court may determine what shall now be done with said Chas. Douglass and the said writ being returned into this Court and the said Chas. Douglass being before the Court, Comes now Messrs. Herndon & Hawkins Counsel for said Petitioner Chas. Douglass and Clark Churchill Atty. General. Entering his appearance in behalf of the Territory, the Cause was argued by the said Counsel and being fully argued was submitted and by the Court taken under advisement.

A. L. Kinshaw, Appellee
vs
Oscar Lincoln, Appellant

Upon reading the motion and stipulation on file herein and upon motion first made by Sumner Howard Esq. It is by the Court ordered that the appeal be dismissed at Appellants costs, and let Remittitur issue forthwith.

Henry A. Dweed, Appellee
vs
F. C. Hatch, Appellant

Upon reading the motion and stipulation on file herein and upon motion first made by Sumner Howard Esq. It is by the Court ordered that the appeal be dismissed at Appellants costs and let Remittitur issue forthwith.

~~H~~ W. Anderson Appellee
vs
M. W. Stewart Appellant

Upon reading the motion and stipulation on file herein and upon motion first made by Sumner Howard Esq. It is by the Court ordered that the appeal be dismissed at appellants costs and let Remittitur issue forthwith

J.L.B. Alexander Appellee
vs
A.A. Manford, Appellant

Upon reading the motion and Stipulation on file herein and upon motion of Sumner Howard Esq. first made, It is by the Court ordered that the appeal be dismissed at appelts. costs and let Remittitur issue forthwith

In Re Marks Appellee
vs
Wm. Christy, Appellant

Upon reading the motion and stipulation on file herein and upon motion of Sumner Howard Esqr. first made, It is by the Court ordered that the appeal be dismissed at appelts. costs and let Remittitur issue forthwith.

The Western Mining Co
appellant
vs
James N. Toole Etal
Respondents

The Petition for a re-hearing of this cause on file herein having been under consideration of the Court and the Court being fully advised in the premises, comes now and overrules & denys said Petition

W.M. Jacobs
Respt.
vs
J.M. George Etal
Appts.

The Petition for a re-hearing of this cause on file herein having been under consideration of the Court and the Court being fully advised in the premises, comes now and overrules and denies said Petition. and affirms the Judgment

E. Rochester
vs
M. J. Sullivan Et al.

The petition for a rehearing of this cause on file herein having been under consideration of the Court and the Court being fully advised in the premises Comes now and overrules & denies said Petition

John S. Johnson
vs
R. R. Duffy Et als and
D. Eckendorf & Co

The petition for a Rehearing of this cause on file herein having been under consideration of the Court and the Court being fully advised in the premises Comes now and overrules & denies said petition.

Jas. T. Simms.
Appellee
vs
J. F. Hampson Et al
Appellants

This cause coming on for hearing was argued by E. M. Land: ford Esq. for appellee, and by Messrs. Rush & Rees for Appellee and being fully argued was submitted and by the Court taken under advisement.

The Court having on 8th day of October 1892 filed in the Clerks office of this Court Amended Rules of this Court and the same having been printed under direction of the Court, now on this day it is ordered that the Rules so amended be and they are hereby adopted and now constitute the Rules of practice in

Court adjourned until tomorrow Jany. 8th 1887 at 10 o'clock Am.

Court met Saturday Jany. 8th 1887 at 10 o'clock A.M. pursuant to adjournment.
Present Hon. Kenan Wm. H. Baker Asso. Justice
Hon. Kenan W. H. Bunn Asso. Justice
O. T. Rowe, Esq. A.S. Atty. C. B. Dodge
Clerk, K. D. Underwood Dep. U.S.
Marshal, Crier and Bailiff.

Ex parte
Chas. Douglass
on Habeas Corpus

The Court having had this case under consideration and advisement and being fully advised in the premises, It is ordered and adjudged that the Writ be granted and the Prisoner Chas. Douglass be Released from Custody.

The United States
vs
N. Ellis Et als

Comes now Respt. the United States by their Atty. O. T. Rowe Esq. and moves the Court to docket this Cause and dismiss the appeal herein and now Comes Appellants by their Counsel Clark Churchill Esq. and for a cross motion moves for leave to file the Transcript on Appeal and to have the usual time to file the required Brief and Abstract, And by the Court ordered that Respective parties have this day in which to prepare and file written reasons therefor and the notified each motion to be taken and Ex advisement

Max Ornstein
vs
Jones & Spencer

This cause coming on for hearing was argued by Messrs. J. C. Hendrix and E.M. Sanford for Appellant and Messrs J.A.Rush Esq for Respondent and being fully argues was submitted and by the Court taken under advisement.

Daniel Johnson
vs
L. McKendree et al.

This appeal having been affirmed and the Petition for a Rehearing denied and the motion of Respts. for the allowance of an appeal from this Court to the Supreme Court of the United States having been denied. Now on motion of A.T. Rouse Esq. of Counsel for Respts. It is by the Court ordered that Respts. be permitted to withdraw the papers on motion for said appeal to the Supreme Court of the United States, on file in the office of the Clerk of this Court, on giving to the Clerk their receipt therefor, and that such papers be returned to the Clerk as soon as the purpose for which they are withdrawn is fulfilled.

Court adjourned until Monday January 10th 1881 at 3 o'clock P.M.

Court met Monday Jany 10th 1887 at 2 o'clock P.M. pursuant to adjournment.
Present. His Honor, Wm M Parker Asso Justice
His Honor M K Barnes Asso Justice
A.T. Rouse Esq. U.S. Dist. Attorney
E.B. Dodge Clerk, N.D. Underwood, Dep. U.S. Marshal, Crier and Bailiff.

C.N. Gray
vs
Salt River Valley Canal Co.

This cause having been heretofore argued and submitted and taken under advisement by the Court and the Court being fully advised in the premises Doth by the Court ordered and adjudged that the judgment of the Lower Court appealed from be and the same is affirmed, and let judgment be Entered accordingly.

The United States
vs
Nathan Cecil Dale

The Court having had the motion herein to dismiss this Appeal and the Cross motion of Appts. for leave to file the transcript under consideration, Comes now and orders that the motion of Respts. to dismiss the Appeal be denied, and further grants leave to Appelts. to file their Transcript on Appeal and the necessary Briefs, and Abstracts of the Record.

P. Minor
vs
San Pedro Lumber Co.

The Court having had under consideration the motion to dismiss the Appeal Comes now and grants said motion and directs that the same be dismissed.

Court adjourned until tomorrow January 11th 1887 at 10 o'clock A.M.

Court met Tuesday Jany 11th 1887 at 10 O'Clock A.M. pursuant to adjournment.
Present: His Honor, Wm W Porter Associate Justice
His Honor, M.A.T Barnes Asso. Justice
O.T. Rouse Esq. U.S. District Attorney
E.B. Dodge Clerk N.D. and W.D.
Dep. U.S. Marshal, Crier & Bailiff.

P. Minar
vs
San Pedro Lumber Co.

Comes now Ben Goodrich Esq. appearing for Appellant and moves the Court to vacate the order of this Court heretofore made dismissing this Appeal and by the Court ordered that Counsel prepare said motion and affidavit in support thereof and present the same to the Court.

Court adjourned until tomorrow Jany 12th 1887 at 10 O'Clock A.M.

Court met at 10 o'clock A.M. Jany 12th 1887 at pursuant to adjournment.

Present: His Honor: Wm. M. Parker Associate Justice
His Honor: W. N. Barnes Associate Justice
C. T. Rance Esq U.S. District Atty.
E. B. Dodge, Clerk and N. O. Underwood
Dep. U.S. Marshal, Crier and Bailiff

B. Minor
vs
San O'Ems Lumber Co.

The Court having taken the motion and hearing in support thereof to vacate the order heretofore made in this cause dismissing the appeal, and duly considerations, Counsel named and granted said motion and ordering that the hearing of the motion made to dismiss the appeal be and the same is continued until the adjourned term of this Court.

J. T. Simms Applt
vs
James Flaherty Respdt

It is by the Court ordered that the hearing of the motion herein to dismiss the appeal be and the same is hereby continued until the adjourned term of this Court.

Court adjourned until Tomorrow Jany 13th 1887 at 3 o'clock (P.M.)

Court met at 3 o'clock P.M. Jany 13th 1887
pursuant to adjournment.
Present; His Honor Wm H Porter Asso. Justice
His Honor M F Barnes Asso. Justice
J O Herndon Asst U.S. Dist Atty. E.B. Dodge
Clerk, A D Underwood Dep. U.S. Mar.
Dhal., Crier and Bailiff.

The Territory of Arizona
vs Respt.
Geo. W. Kay — Appt.

On motion of Messrs. Rush, Wells & Howard and Herndon & Hawkins, It is by the Court ordered that this Cause be docketed.

Court adjourned until tomorrow Jany. 14 1887 at 10 o'clock A.M.

Court met - Friday Jany 14th, 1887 at 3 o'clock P.M, pursuant to adjournment.
Present His Honor Wm H Porter Associate Justice
His Honor M F Barnes Associate Justice
J O Herndon Asst U.S. Attorney. E.B. Dodge
Clerk, A D Underwood Deputy Marshal
Crier and Bailiff.

There being no business before the Court
Court adjourned until tomorrow Jany 15
1887 at 10 o'clock A.M.

The Territory of Arizona
vs Respt.
Geo. W. Kay
Appt.

On motion of Messrs Rush Wells & Howard and Herndon & Hawkins It is by the Court ordered that this Cause be set for hearing at 3 o'clock P.M.

Court adjourned until to morrow Jany 15th 1887 at 3 o'clock P.M.

Court met Saturday Jany. 15th 1887 at 3 P.M. pursuant to adjournment.
Present: His Honor, Wm W. Porter, Asso. Justice
His Honor, W. K. Barnes, Asso. Justice.
J. C. Herndon Esq. Asst. U.S. Attorney
C. B. Dodge Clerk, H. O. Underwood
Dep. U.S. Marshal Criers and Bailiffs.

~~The~~ Territory of Arizona }
vs }
George M. Kay } The hearing of this cause is continued by the Court to a time to be hereafter fixed by the Court.

Court adjourned until Monday Jany 17 1887 at 10 o'clock A.M.

Court met Monday, Jany 17/87 at 10 O'clock A.M. pursuant to adjournment.
Present: His Honor, Wm W. Porter, Associate Justice
His Honor, W. K. Barnes Associate Justice.
J. C. Herndon Esq. Asst U.S. Attorney
C. B. Dodge Clerk. D. T. Dunavan Dep.
U.S. Marshal, Criers and Bailiffs.

Max Ordeneslein & Co. appts. }
vs }
Banco de Buenos, Respts. } This cause having been duly considered by the Court, It is by the Court ordered that Judgment be Entered

affirming the Judgment of the Court below appealed from.

J.F. Simms
vs
Jas. Thompson, Etal.

This cause having been duly considered by the Court, It is by the Court ordered that Judgment be Entered affirming the Judgment of the Court below appealed from.

Court adjourned until tomorrow Jany 18. 1887 at 10. O'clock, P.M.

Court met Tuesday Jany 18th 1887 at 10 O'clock A.M. pursuant to adjournment. Present: His Honor Wm W Porter Asso. Justice
His Honor. Wm H Barnes Asso Justice
J.C Kennon Esq. Asst. U.S. Attorney
E.B Dodge Clerk, C.T. Donovan Dep.
U.S. Marshal, Crier & Bailiff.

Ex Rel.
Chas. E. Sherman
vs
application for
an alternative
writ of mandamus.

Comes now E.M. Sanford Esq. and moves the Court for leave to file the application and affidavits of Relator in support thereof, for a Writ of Alternative Mandamus and makes motion for same. And by the Court ordered that Cause be Entered and further ordered that Relator serve application forthwith with written notice of such motion

Messrs. Shuck Reese & Howard on motion made are ordered Entered as of Counsel for Relt. herein.

Court adjourned until tomorrow Jany. 19 1887 at 10 O'Clock (A.M.)

Court met Wednesday Jany 19 - 1887 at 10 a.m. pursuant to adjournment.
Present: His Honor Wm M Baker Asso. Justice
His Honor Wm M Borneo, Asso. Justice
J.C. Kennedy Asst. U.S. Dist. Atty.
E.B. Dodge Clerk, C.T. Dunavan Dep. U.S. Marshal and Crier & Bailiff.

E. O. Fechet
vs
O.P. Drake assignee etc

This cause having been heretofore submitted and taken under advisement by the Court and the Court being fully advised in the premises It is by the Court ordered that the Judgment of the Court herein appealed from be and the same is hereby affirmed and let Judgment be Entered accordingly.

Court adjourned until tomorrow Jany 20 - 1887 at 10 a.m.

Court met Thursday, January 20/87 at 10 a.m. pursuant to adjournment.

Present: His Honor Wm. W. Porter Asso. Justice
His Honor, N. K. Barnes Asso. Justice
J. C. Kerndon Esq. Asst U.S. Dist. Atty
E. B. Dodge, Clerk, C. T. Dunavan
Dep. U.S. Marshal, Criers and
Bailiff.

The Territory of Ariz.
Ex rel Briggs Goodrich
Atty Genl.
vs
N. C. Bashford Treasurer
Etc. of Yavapai County

The alternative writ of mandamus heretofore issued in this action, having been returned and this day having been set for the hearing of this Cause, now comes J. C. Kerndon Esq. appearing for Defendant and moves the Court to extend the time for Defts to file Answer, to said writ and by the Court ordered that time be Extended until tomorrow Janry 21st 1887 at 3 O'Clock P.M.

Court adjourned until tomorrow Janry. 21st 1887 at 3 P.M.

(4)

Court met Friday Jany 21/87 at 3 P.M. pursuant to adjournment.

Present Hie Honor: Wm. C. Porter Associate Justice
Hie Honor: W. F. Barnes Associate Justice
J. C. Kenndan Asst U.S. Attorney
E. B. Dodge Clerk, C. T. Dunavan
Dep. U.S. Marshal and Bailiff.

The Territory of Arizona
Ex Rel Briggs Goodrich
Attorney General
vs
W. C. Barkdull Treasurer
of Yavapai Co.

Comes now Said Deft. by his Counsel, J. C. Kenndan Esq. and presents to the Court his return to the alternative writ of mandamus issued against him and the Court after hearing the arguments of the Attorney General for the Plff. and the Counsel for Defendant. Doth order and continue the further hearing of this Cause until tomorrow Jany 22nd 87 at 10 o'clock A.M.

Court adjourned until tomorrow January 22nd 1887 at 10 o'clock A.M.

Court met Saturday Jany 22/87 at 10 P.M. pursuant to adjournment.

Present: His Honor, W.F. Barnes Associate Justice
His Honor Jno W. Porter Associate Justice.
J.C. Herndon Asstt U.S. Attorney
E.B. Dodge Clerk, & T. Dunavan Dep. US Marshal, Crier and Bailiff.

The Territory of Arizona
Ex rel Briggs Goodrich
Atty. Genl.
vs
W.C. Bashford, Treasurer
of Yavapai Co.

This day having been fixed for the hearing of this cause and the Atty. Genl. appearing in Court ~~with his~~ in behalf of Plff. and Deft. with his Counsel J.C. Herndon Esq. the Court proceeds to hear the Evidence adduced. ~~before~~ Plff calls T.J. Butler Esq. and D.T. Mitchell Esq who ~~of~~ were sworn and testified and Plff. offered Documentary Evidence which was admitted and read.
After argument of the case by the Attorney Genl for Plff and J.C. Herndon Esq. for Deft. the Case was submitted and by the Court taken under advisement.

Court adjourned until Monday Jany 24th/87 at 10 o'clock A.M.

Morris Goldwater Recpt.

vs

W. Bruce et al., Appls

By order of the Court this Cause is dismissed in accordance with the stipulation of the respective parties filed herein.

Court adjourned until Monday Jany 24/87 ~~Court~~

Court met Monday, Jany. 24th 1887 at 10 O'clock Am. pursuant to adjournment.

Present: His Honor: W.F. Banno Asso. Justice
His Honor. Wm. H. Barker Asso. Justice
J.H. Kennedy Esq. Asst. U.S. Dist. Atty.
E.B. Dodge, Clerk, C.T. Duncan
Dep. U.S. Marshal and Brien and
Bailiff.

Territory of Arizona
Ex rel B.J. Goodrich
Attorney General.
vs
W.C. Barkford, Treasurer
of Yavapai County.

This cause having been heretofore submitted to the Court and taken under advisement and being fully advised in the premises It is by the Court ordered and adjudged that Defdt. in this cause do pay and turn over to the Territory of Arizona the sum of $1264.40/100 and let the writ of mandate issue in accordance therewith. And it is further ordered that Each party hereto pay one half of the costs incurred herein

The Territory of Arizona
Ex rel Chas. E. Sherman
vs
The Board of Canvassers
Etc of Mojave County.

The application for an alternative Writ of Mandamus coming on regularly for hearing the same was argued by E.W. Sanford Esq. for Relator and Skinner & Howard Esq for Defts. and after argument was taken under Consideration by the Court

Court adjourned until tomorrow Jany 25/87 at 10 o'clock a.m.

Court met Tuesday Jany 20/87 at 10 a.m. pursuant to adjournment.

Present His Honor: Hmel Parker Associate Justice
His Honor. W.F. Barnes, Associate Justice
J.A. Henson Esq. Asst. U.S. Dist. Atty
E.B. Dodge, Clerk, O.J. Dunavan, Dep.
U.S. Marshal and Crier and Bailiff.

The Territory, Ex rel
Attorney General
vs
W.C. Backford, Treas.
of Yavapai Co. A.T.

An order having heretofore been Entered in this cause directing that the respective parties hereto, Plaintiff and Defendant, Each pay one half of the Costs incurred in this action, And now it appearing that the amount of such Costs are $20.50 It is hereby ordered that the Clerk of this Court be and he is hereby allowed said Amount of $20.50. and the

Court adjourned until tomorrow Jany 26th, 1887 at 3 P.M.

Court met Wednesday Jany 26/87 at 3 P.M. pursuant to adjournment.

Present His Honor Wm W Porter Asso. Justice
His Honor W.N. Barnes Asso Justice
J.C. Herndon Esq Asst U.S. Atty.
E.B. Dodge Clerk, C.F. Dunavan Dep
U.S. Marshal and Crier & Bailiff

There being no business before Court, Court adjourned until tomorrow Jany 27/87 at 10 A.M.

Court met - Thursday Jany 27/87 at 10 A.M. pursuant to adjournment.

Present: His Honor Wm W. Porter Asso. Justice
His Honor W.N. Barnes Asso. Justice
J.C. Herndon Esq. Asst U.S. Attorney
E.B. Dodge Clerk, C.F. Dunavan Dep.
U.S. Marshal and Crier and Bailiff

The Territory of Ariz.
Ex Rel Chas. E. Sherman
vs
Board of Supervisors
and Board of Canvassers
of Mojave Co. ETC.

The application herein for an alternative writ of Mandamus having been fully considered by the Court, & by the Court it is ordered that said application be and the same is denied, And the Court hands down its opinion thereon and orders the same filed And the ruling of the Court relative by his Counsel duly Entered his Exception

whereas, W. K. meade Marshal of the United States for the District of Arizona, has rendered to this Court an account of his fees and Expenses at and previous to the January term 1887 at Prescott of the U.S. Supreme Court with the vouchers and items thereof, and in presence of J. C. Kendon Esq. Asst. U.S. Atty, has proved on oath, to the satisfaction of the Court, that the services and travel therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas, said charges appearing to be just and according to law, it is hereby ordered that the said account, amounting to Two Hundred one Dollars and Sixty Cents be and the same is hereby approved.
And we further certify that for the days on which per diems are charged business was actually transacted in Court.

To Hon. W. K. meade, Marshal of the United States for the District of Arizona
Has rendered to this Court an account of his Miscellaneous Expenses at and previous to the January term 1887, at Prescott of the United States Supreme Court with the vouchers and items thereof and in presence of J. C. Kendon Esq, Asst. United States Atty. has proved on oath, to the satisfaction of the Court, that the items mentioned therein have been actually and necessarily incurred as stated, and that the disbursements charged have been fully paid in lawful [illegible] and whereas, said charges appearing to be just and according to law, it is hereby ordered that the said account amounting to Forty Dollars be and the same is hereby approved.

whereas, C.A. Meade, United States Marshal, has rendered to this Court an account of his disbursements for Miscellaneous expenses incurred at and previous to the January term 1887 of the United States Supreme Court, with the vouchers and items thereof and in person J.C. Kenyon Esq. Asst. United States Attorney, has proved, on oath, to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas, said charges appear to be just and according to law;

It is hereby ordered that the said account, amounting to Forty dollars be and the same is hereby approved

Whereas, An account of E.B. Dodge Clerk of the Supreme Court of the Territory of Arizona for official services as therein stated having been submitted to the U.S. Attorney for approval and it appearing to the satisfaction of the Court by the oath of E.N. Cook the Deputy of said Clerk and E.B. Dodge upon the account that the services have been actually and necessarily performed as therein stated and the charges appearing to be just and according to law,

It is hereby ordered that said account amounting to Two Hundred Seventy Four 50/100 dollars be and the same is hereby approved and allowed.

The Territory of Arizona
Respt
vs
Geo. C. Kay Appelt

On motion of Counsel for Appellt it is by the Court ordered that the Papers on appeal in this cause be filed, and the hearing of the cause is continued

to the adjourned term of this Court.

In the Matter of an adjourned Jany. term of this Court

It appearing to the Court necessary for the disposition of the business pending in said Court that an adjourned term thereof be held at Phoenix A.T. It is by the Court ordered that this Court do now adjourn until Thursday, the 28th day of April A.D. 1887 at 10 o'clock A.M. of that day to meet at Phoenix, Arizona Territory.

Wm. W. Porter
Associate Justice

W.F. Barnes
Associate Justice.

In the Matter of the application of Thos. G. Norris Esq to be admitted to practice as an attorney and Counselor in this Court

Upon motion of John H. Herndon Esq and on presentation of certificate of admission of the State of Iowa. It is ordered that upon taking the oath as prescribed by Law said applicant be admitted to practice as an attorney and Counselor in this Court and that the Clerk issue to him the necessary license therefor.

Court adjourned until Thursday the 28th day of April A.D. 1887 at 10 o'clock A.M.

Wm. W. Porter
Associate Justice

Associate Justice

Court met Thursday April 28, 1887 at ~~two~~ o'clock P.M. pursuant to Adjournment

Present His Honor James H Wright Chief Justice Henderson & Hawkins A.O. assc Attys Ed B Dorsey Clerk. & A.O. Marshal by Deputy & Crier

And by order of the Court. Court Adjourned until Friday the 29th day of April at 10 o'clock A.M.

Court met Friday April 29 at 10 o'clock A.M. pursuant to Adjournment

Present His Honor J. H Wright Chief Justice His Honor W.H. Potter assc Justice His Honor W.H. Barnes assc Justice Henderson & Hawkins. Assc A.O. Atty H.D. Anderson A.O. Marshal and E.B Dorsey Clerk and Crier

On motion of E.E. Stephens Esq. Judge R.B. Carpenter was admitted to practice as attorney and Counsellor in this Court upon taking the Oath as prescribed by Law

John E. Handy
Plff & Appellant
vs
Thos J. Hyde et al
Defts & Appellees

Notice having been filed on motion of Todd Campbell & Stephens it is by the Court Ordered that the above entitled Case be and the same is hereby dismissed at Cost of Appellant and that the Clerk Transmit this Order to the Parties Counsel a Certified Copy of this Order

Counsel appointed to examine Allen R. English
George F. Berry L. L. Stephens & J. J. Hawkins

E. T. White
vs
John A Dunn

Motion & certificate of the Clerk of the
first Judicial Dist. The above entitled Cause is
by order of the Court dismissed at the cost of
appellant and that the Clerk transmit to the Lower
Court immediately a certified copy of this
Order

James Reilly
vs
L. B. Clark

On motion of Attorneys for the
Plaintiff, and Attorneys for Defendant Consenting
the above entitled Cause is Submitted to the
Court with leave to file Briefs within 15 days

Ed Compton
vs
J. L. Fitzhenry et al

On motion of atty it is
by order of the Court Leave granted for the Issuance

O Brien
vs
The Dan Patch
Investment Company

On motion of Attorneys
Plaintiff Attorneys for Defendant Company
it is by order of the Court dismissed

J. T. Zimmo
vs
Jas O'Laherty

Motion & Certificate of the Clerk of Maricopa Co. on Motion of A. E. Baker Esq ~~of~~ in the above entitled Case is dismissed at Cost of Appellant. It is also ordered that Certified Copy of this order under Seal be Transmitted to the Lower Court.

The United States
vs
N. Ellis

By order of the Court the Name of H. N. Alexander Esq was entered as Attorney

Territory of Arizona
vs
Del Barth

on Motion of E. M. Sanford Esq to file Transcript in the above entitled cause it by the Court ordered filed and by order of the Court Brief of Defendant is to be filed by the first day of July 1887 upon Payment of Clerks fees

John. J. Hawkins
vs
The Board of Supervisors
of Yavapai County

Petition for mandamus Submitted on Brief with leave for the Atty. Gen to file Demurrer, and to be taken by the Court under Advisement

Nancy Blandchal
vs
John Uhart et al

On Motion of Dft Dumfordsp to dismiss for informality of Transcript. Now Comes Atty for Defendant and moves the Court for a Cross motion to file and submit the Defendants Appeal which motion was by the Court granted

In the matter of the admittion of Allen R English the Court appointed the following Committee to Examine the applicant Judge George E. Berry W. W. Stephens Esq and John J. Hawkins and upon examination in Open Court the said Allen. R. English was admitted to practice in this Court by order of the Court

J. W. Hooper
vs
J. W. Adams et al

Upon Argument of Attys for Plaintiff and Defendant, and on Motion of Attys Briefs herein has filed it was Submitted and by order of the Court taken under Advisement

Alta Silver Mining Company
vs
The Bullion Smelting Company

On Motion of Attys and by order of the Court this Case was passed until 1 o'clock P. M. Now at one o'clock. the Case coming on to be argued and upon being argued by Attys for Plaintiff and Defendant it was Submitted upon Briefs filed By Attys for Plaintiffs and Defendants and twenty days to file Brief of Plaintiff & Rebuttal

M.A. Dalton et al
vs
Lorenzo Ruelas et al

On Motion of Attys this Case was by order of the Court passed for the present

Jno. A Daugherty
vs
Louisa M. Towle

On Motion of Attys this Case was by order of the Court passed for the present

T. J. Riles et al
vs
Western Union Telegraph Company

This Case coming on for argument and Judge Hoskins opening the Case for appellants and Judge Haynes & J. A. Anderson for Respondents and being fully argued and Brief being filed was by order of the Court taken under Advisement and two days for Plaintiff & Respondent to file Briefs

Territory of Arizona
vs
John R Hand et al

On Motion of Attys the above entitled Case is by order of the Court dismissed at Cost of Appellants ordered that Certified Copy of this Order be Transmitted to the Lower Courts

The Territory of Arizona
vs
George W. Kay

On account of Defect in the Transcript Attys for Defendant move the Court for order on the Clerk of the Third [illegible] to forthwith to Complete [illegible] Transcript on

Transcripts which was by the Court ordered and with Leave to file abstracts of Transcripts and Briefs and to be Submitted to the Court

Court Adjourned until Saturday the 30th day of April at 9 o'clock A.M. 1887

Court met at 9 o'clock A.M. pursuant to Adjournment on Saturday the 30th day of April 1887

Present His Honor James H. Wright Chief Justice
His Honor W.W. Porter Associate Justice
His Honor W.T. Barnes Associate Justice
Wm. Standley Hawkins and M.D. Athey
E.B. Dodge Clerk H.D. Underwood
Deputy M.D. Marshal and Crier

Nancy Bland
vs
John Chappell

By order of the Court 30 days is given Defendants to file transcripts abstracts and to file Briefs and Abstracts of Transcripts

Bonnie Blackmon
vs
James Ruddy

Clerks certificate having been filed on motion of Atty it is by the Court ordered dismissed at cost of appellant. and also ordered that the Clerk transmitt to the Lower Court a certified Copy of this Order under Seal of the

Lydia M. Clark
vs
Pasqual Migno

Clerks Certificate having been filed on motion of Atty. it is by the Court ordered dismissed at the cost of Appellant & that a certified Copy be Transmitted to the Lower Court

M. E. Clark
vs
Alexander Wright et al

Clerks Certificate having been filed on motion of Atty it is by the Court ordered dismissed at the Cost of Appellant and that a Certified Copy be Transmitted to the Lower Court

James Reilly
vs
M. E. Clark

Clerks Certificate having been filed on motion of Atty it is by the Court ordered dismissed at the cost of appellant & that a certified Copy be Transmitted to the Lower Court

Benoni Blackman
vs
James Reilly

Clerks Certificate having been filed on motion of Atty it is by the Court ordered dismissed at the Cost of Appellant & that a Certified Copy be Transmitted to the Lower Court

J D Putnam
vs
L D Putnam

On motion of Atty for Plaintiff Atty for Defendant Consenting. Abstract and Brief to be filed and submitted in vacation by Attys for Pl'ff & Defendant

James Reilly
vs
E. O. Clark

Estate of Baldridge

Brief of appellant having been filed, on motion of Atty for Respondents it is by the Court ordered Respondents have to have 15 days to file brief and Reply Exhibit to Transcript

W. A. Dalton et al
vs
2 Hamilton et al

Argued by Attys for Plaintiffs and Atty for Defendants. and submitted on Briefs and by the Court taken under advisement

Ed. Hampton
vs
J. U. Wilkinson et al

Argued by Attys for Plaintiff & Respondent. and by Defendant and appellants. and upon being fully argued and submitted on Briefs is by the Court taken under Advisement

On motion of E. J. Edwards Esq it is by the Court ordered that A. D. Duff Esq be admitted to practice in this Court upon taking the oath and signing the Roll and that Certificate be issued by the Clerk

John Hill et al
vs
E. Drummond et al

Upon being fully argued by Attys for Plaintiffs and Attys for Defendants and Submitted on Briefs and by the Court taken under Advisement

John. A Doherty
vs
Louisa. M. Doherty

Upon being fully argued By Attys for Plaintiff and By Attys for Defendant and Briefs having been filed and being Submitted is by the Court taken under Advisement

James. Reilly
vs
Benoni Blackman

Case No. 202

James Reilly
vs
Geo. F. Berry et al

Case No. 206

The Mountain Maid Mining Company
vs
James Reilly

Case No 205

Stipulation having been filed that Cases No 202. and 203. and 205. above entitled. Shall be Submitted on Briefs and Abstracts of Transcript filed in Case No 202 and Entitled as follows James Reilly vs Benoni Blackman and upon being fully argued and Submitted to by order of the Court taken under Advisement

Mc Allister and Mc Leone
vs
The Bunker Smelting and Mining Company

Upon being fully argued By Attys for Plaintiffs and Attys for Defendant and Brief having been filed and being Submitted to by the Court taken under Advisement

The United States
v
Nathan. Ellis

on motion of Herndon & Hawkins
asst United States atty. it is by the Court
ordered that Plaintiff have twenty days
to file Brief and Exhibits and the Clerk of the
Third Division of Court to certify to the same

Whereas W.K. Meade Marshal of the United
States for the District of Arizona has presented
to this Court an account of his Miscellaneous
Expenses at and previous to the April term
1887. at Phoenix of the Supreme Court, with
the vouchers and items thereof, and in presence
of J. E. Herndon asst United States attorney
has sworn on oath, to the Satisfaction of
the Court, that the items mentioned therein
have been actually and necessarily incurred
as stated, and that the disbursements charged
have been fully paid in lawfull money: and
whereas said charges appearing to be just and
according to Law. it is hereby ordered that
the said account, amounting Six dollars 00
and the same is hereby approved,

John H. Wright
Chief Justice

Whereas an account of E.R Dodge Clerk of the
U.S. Supreme Court of the Territory of Arizona
at Prescott. for official Services from the Third day
of January 1887 to and including the twenty seventh
day of January 1887 and the 28th 29th & 30th day of
April at Phoenix A.T. having been submitted by the
assistant United States Attorney to this Court for
approval and it appearing to the Satisfaction of the
Court by the oaths of the said Deputy Clerk Ed Cook
and E.R. Dodge Clerk of the Supreme Court, upon
said account, that the Services have been actually
and Necessarily performed as stated and the charges
appearing to be just and according to law, and that from
the days for which fees & dues are charged business
has actually transacted. It is hereby ordered that
the Sum of two hundred and fifty three $253.00 dollars
be and the same is hereby approved done in open Court
in the presence of J. E. Herndon [illegible]
Attorney, on this 30th day of April

Whereas W.K. Meade, United States Marshal has rendered to this Court an account of his $220 and 80 cents for Attendance on Supreme Court with the vouchers and items thereof, and in person of J.C. Henderson Esq acting United States Attorney had proved on oath, to the satisfaction of the Court that the services and travel charged therein were actually and necessarily performed and that the expenses were necessarily incurred and whereas said charges appear to be just and according to law;

It is hereby ordered that the said account to fifty four dollars and twenty four cents be and the same is hereby approved

James A. Wright Jr.
Chief Justice

James A. Lahey
vs. Appellee
J.T. Timms
Appellant

It is by the Court ordered, that the Appeal in the above entitled Case be and the same is hereby dismissed at the Cost of Appellant.
It is also ordered that a certified Copy of this Order under the Seal of this Court be forthwith transmitted to the Clerk of the Lower Court.

Court Adjourned until Thursday the 29th day of September to meet at Phoenix A.T. 1887

James A. Wright Jr.
Chief Justice

Wm. N. Porter
Associate Justice

Court met Thursday Sept 29th 1887 at 10 a.m.
Pursuant to adjournment

Present His Hon W.W. Porter as Justice
His Hon. W.H. Bonner as Justice
H.D. Underwood Esq Deputy U.S. Marshal
and E.B. Dodge Clerk

The United States of America
vs.
Mah-Duiz-a-z.

This Cause having been submitted and the Court being fully advised in the Premises. By order of the Court the Judgment of the Court below is affirmed

The United States of America
vs.
Nathan Ellis et al

The Court having had the motion for a rehearing under advisement and being fully advised in the Premises. By order of the Court the Motion is overruled and denied

By order of the Court Rule four is Amended so as to read as follows. IV. Rule 1 is amended to read as follows. In all Cases the Party bringing an action into this Court shall file with the Transcript a Complete Abstract of the Record therein. Referring to the Appropriate Pages of the Record by Numerals on the Margin and Shall Cause such Abstract to be printed in a neat and workmanlike manner on one side only. When shall be printed to the use of ink. the Pages to be the Same Size as Those of the Pacific Reporter and bound on the Side of the Pages. Six Copies of Same Shall be filed in Each Case

By order of the Court the following Committee was appointed to amend the mute and unfound at the January Term 1887 Judge Alexander of Phoenix N. J. Hopkins Esq of Tucson and Judge O. Hammond of Prescott

Territory of Arizona }
vs }
Robert Arnett }

on motion of Hon Sumner Howard. this Cause was by order of the Court placed on the Calendar: on motion of Atty for Respt this Cause was submitted and by order of the Court taken under advisement on motion of Atty for Respt the Atty Gen Consenting thereto. It is by the Court ordered that both parties have Sixty days to file additional Briefs & Arguments

Nancy. Bland Executrix &c }
vs } Respt
John Thark et al Apts }

on motion of Respt both & /& recent Attys for Appellants. It is ordered that this Cause be docketed and that the appeal herein be dismissed. It is further ordered that a Remittitur be issued to the District Court from which said appeal was taken forthwith and that the Judgment in said District Court do Stand affirmed and that said Appellee Nancy. Bland do recover from said appellant and his Sureties on the appeal bond herein. the Judgment of the Court below with Legal interest thereon and the costs of this Supp. and the said District Court issue Execution against said appellant and the Sureties on the appeal Bond therefore

Territory of Arizona
vs
Geo. Kay

On Motion of Hunsaker & Hawkins and Rush. Wells & Howard attys for Applicant. It is ordered that this Case be and the Same is Continued until the regular Term of this Court. and it is further ordered that the Clerk of this Court docket this Case for hearing at the Said regular Term of this Court

Territory of Arizona
vs
Ool Barth

In this Case on Motion of Briggs. Kenrick It is ordered that the Territory have forty days to file additional Briefs herein and that Said Rush and Wells have thirty days after receipt of Said additional Briefs to file Answer thereto

J.L. B Alexander et al
vs
Thomas Sherman et al

H.L. Alexander & Ed. L. Ellis & E.J. Edwards atty This Cause Came on regularly for hearing. on Motion of Judge Alexander and by order of the Court the Abstract was amended. on Motion of Attys and by order of the Court this Cause was placed on the Calendar. and being fully Argued by Respective attys on Motion Submitted by order of the Court and on Motion of Attys Briefs are to be filed in twenty days

on Motion in his behalf by Hollis P.O. Parks Leave Asked and granted Speaker in this Court

J. L. Hunt }
vs } A. E. Baker
W. M. Broadway } H. B. Lightheizer

on motion of A. E. Baker and by order of the Court this cause was placed on the Calendar. on motion of H. B. Lightheizer this cause was by order of the Court taken under advisement

Malcolm McTavish et al }
vs }
Ernest Blum et al }

on motion of attys this cause was placed on the Calendar by order of the Court. Clerks Certificate having been filed. on motion of attys it is by the Court ordered that the above entitled cause be and the same is hereby dismissed at the Cost of the appellant and it is further ordered. ~~that it is further ordered~~ that the Clerk transmit to the Court below a Certified Copy of this order under Seal of this Court

Malcolm McTavish }
vs }
Otto Timmerhoff et al }

on motion of attys this Cause was by order of the Court placed on the Calendar. and by Clerks Certificate having been filed. on motion of attys it is by the Court ordered that the above entitled Cause be and the same is hereby dismissed at the Cost of the appellant and it is further ordered. that the Clerk transmit to the Court below a Certified Copy of this order under Seal of this Court

Whereas an account of E.B. Dodge Clerk of the U.S. Supreme Court of the Territory of Arizona for official services.

at Phoenix A.T.

having been submitted by the United States District Atty to the Court for approval and it appearing to the satisfaction of the Court by the oath of the said Clerk that said account That the services have been actually and necessarily performed as stated.

and the charges appearing to be just and according to Law: and that for the day for which fees claimed are charged business was actually transacted;

It is ordered that the sum of Thirty Nine dollars be and the same is hereby allowed done in open Court in the presence of O.F. Rowe United States attorney on this 5th day of October A.D. 1887

William H Barnes
Associate Justice

Court Adjourned Sine die

Associate Justice

Associate Justice

Court met Monday, January 9th 1888 at 10 Oclock A M

Present His Honor James. H. Wright C J
His Honor Wm. W. Potter A. J. and His
Hon Wm H. Barnes A. J. W. J. Underwood
Deputy United States Marshal J. L.
Dorsey crier & Wm. Hickey Bailiff
and Ed. B. Dunkley Clerk

Report of Committee on rules Examined
and by order of the Court filed

S. W. Blake
vs Pltff & Reply
Ellen J. Thornstal
Deft adv

This Cause coming on regularly and being fully argued by respective attorneys. and on motion of respective attorneys Submitted and by Order of the Court taken under advisement and Considered ordered

Cambell & Baker
vs Pltff & adv
W. L. Burkford Treasurer & Co
Deft & Reply

This Cause coming on regularly and being fully argued by respective attorneys and on motion of respective attorneys Submitted and by order of the Court taken under advisement and Consideration

Atlantic & Pacific R. R. Co
vs
J. F. Duncan Treasurer &c

Satisfactory cause shown on motion of attorneys it is by the Court ordered that Plaintiff do have reasonable time to file his Bill of

Territory of Arizona
vs
Edward J. Clark et al

For Defendants it is by the Court ordered on motion of Atty that the above entitled Cause be Continued until ~~this~~ Tuesday January 10 by order of the Court

Court Adjourned until Tuesday January 10th 1888 at 10 O clock Am

Court Met Tuesday January 10th 1888 at 10 o'clock A.M. Pursuant to adjournment

Present His Honor Joseph H. Wright C.J.
His Honor Wm H. Porter A.J.
His Honor Wm H. Barnes A.J.
W. J. Nicholson Sheriff and D. M. Riordan
J. H. Stark & Chas Ruffner Deputy Bailiff
and Ex Officio Clerk

Territory of Arizona
vs Plff + Relt's
J. A. Gayer
Deft + Relt's

on motion of Atty for Plaintiff
for Plaintiff. This Cause was by order of
the Court placed upon the Calendar. On
motion of Atty for Plaintiff this Cause
was submitted and by order of the Court
taken under advisement & for Consideration

Territory of Arizona
vs Plff + Relt's
J. D. Douglas
Deft + Relt's

on motion of Atty for Plaintiff &
by order of the Court this Cause was de-
nied upon the Calendar on motion of
for Plaintiff and by order of
the Court is to be

Territory of Arizona
vs Plff + Respt
Geo. W. Kay
Deft + Appt

on motion of atty for Deft it is by the Court ordered that the atty for Deft may withdraw the last instruction to the Jury and file the same by the record Term 1888 and on motion of atty for Deft this Cause is by order of the Court Continued until the March Term 1889

Territory of Arizona
vs Plff + Respt
P. S. Heaton
Deft + Appt

on motion of atty for Defendant the above entitled Cause is stricken from the Calendar by order of the Court. and on motion of atty for Defendant it is by the Court ordered that the Cause be heard until the arrival of Mr Johnston atty for Defendant

Boston and Arizona
Smelting + Reduction Co
vs Plff + Respt
Robert Irwin et al
Deft + Appt

on motion and by order of the Court this Cause is placed upon the Calendar. and on motion and by order of the Court this Cause is continued until the Second Jaunuary Term.

B. Blackmon
vs Plff + Respt
James Reilly
Deft + Appt

on motion of atty and by order of the Court. this Cause is placed upon the Calendar and on motion of atty and by order of the Court the Cause is Continued until the March 3rd January Term

United States of America
vs Plff + Ath
Henry L. Stark
Deft + Mshl

on motion of atty and by order of the Court the above entitled Cause is placed upon the Calendar and on motion of atty and by order of the Court the above entitled Cause is Continued until the 1st Jan. Term in March 1868

A. D. Allman
vs Plff + Ath
James. E. Wing
Deft + Rshl

on motion of atty for Plff and by order of the Court this Cause is placed upon the Calendar and on motion of atty for Defts the Defendant is allowed time to file his Bill of Exceptions by order of the Court

United States of America
vs Plff + Ath
Albert Steinfield et al
Deft + Rshls

on motion of atty for Defendants And by order of the Court this Cause is placed upon the Calendar and on motion of atty for Defendants and by order of the Court this Cause is Continued until the 1st Jan. Term 1868

E. A. Thaw
vs Plff + Ath
The County of Pima
Deft + Mshl

on motion of atty for Plff and by order This Cause is placed upon the Calendar and on motion of atty for Defendants and by order of the Court this Cause

Atlantic & Pacific R R Co
vs Plff & Apl
J. F. Lemmon Treasurer & Co
Defts & Apls

on motion of atty for Pl ff and by order of the Court this Cause is placed upon the Calendar. and on motion of Atty for Pl ff and by order of the Court this Cause is set for argument to-morrow
January 11 1869

Charles E Philips et al
vs Plff & Respt
William B Hickins et al
Defts & Apls

on motion of atty and by order of the Court this Cause is placed upon the Calendar and by motion of Attys and by order of the Court this Cause is Continued until the March Term 1869

Territory of Arizona
vs Plff & Respt
E. J. Cook et al
Defendants & Apls

This Cause Coming on regularly and being fully argued by atty for Defendants. on motion of atty for Plaintiff it is by the Court ordered that the atty for Pl ff is allowed until the 25th day of January to file his Brief herein and on motion of atty for Defendants it is by the Court ordered that the Defendants have 10 days thereafter to file his Brief in reply when & until the Cause be submitted and it is further ordered that the Atty Gen is allowed to make an argument for the Court at the March Term 11th day of January 1869

A. D. Clough
vs Plff + Appt
James E Wing
Deft + Appt

This Cause coming on regularly and being fully argued by respective attys and submitted is by the Court taken under advisement and consideration

Court adjourned until tomorrow
January 11th 1888 at 10 o clock A m

Court met Wednesday, January 11th 1888
at 10 o clock A. M. pursuant to adjournment

Present Hon James H. Wright J
Present Hon Jno W Porter A J
Present Hon Wm H Barnes A J
W. J. Mulvane Deputy U. S. Marshal
J. L. Bradley Crier and Multiday Bailiff
and E. B. Sharp Clerk

Campbell + Baker
vs Plff + Appt
W. L. Burkholder Treasurer
Deft + Respt

Opinion filed ordering the judgment of the Court below affirmed

F. W. Blake
vs Plff + Respt
Ellen J. Thorne
Deft + Appt

Opinion filed ordering the judgment of the Court below affirmed

on motion of Judge J. J. Hawkins it is by the Court ordered that C. C. J. Bolton be and he is hereby admitted to practice as a member of this Court.

Mountain Maid Mining Co
vs Pltff + Apltt
James Reilly
Deft + Rspt

It is by the Court
ordered that the order heretofore
made dismissing the motion for a rehear-
ing in the above entitled Case be and
the same is hereby set aside
and the Court further orders that the
appellant do have one hour to argue his
motion for a rehearing. herein
and said motion being fully argued
by attorney for appellant. and being
submitted is by the Court taken under
Advisement and Consideration

James. Reilly
vs Pltff + Respt
B Blackmore
Deft + Apltt

It is by the Court ordered
that the order heretofore made dismissing
the motion for a rehearing in the above
entitled Cause be and the same is hereby
set aside
and the Court further orders that the
appellant do have one hour to argue his
motion for a rehearing. herein
and said motion being fully argued
by attorney for appellant and being
submitted is by the Court taken under
Advisement and Consideration

James Reilly
vs Pltff + Respt
Enoch H. Berry
Deft + Apltt

It is by the Court ordered
that the order heretofore made dismissing
the motion for a rehearing in the above entitled
Case be and the same is hereby set aside
and the Court further orders that the
appellant do have one hour to argue his
motion for a rehearing. herein
and said motion being fully argued

by attorney for Applicant and Being
Submitted is by the Court taken under
Advisement and Consideration

Atlantic & Pacific R.R. Co
vs Pltff and Apl
J.T. Duncan Treasurer & Co

This Cause
Coming on regularly for hearing and
the Attorney for Pltff & Applicant fully
Arguing the Cause to the Court and Submitting
the Same It is by the Court ordered that the
Attorneys for Defendant do have until within
five days of the meeting of the Court at the
Adjourned Term of this Court to file his
Brief herein and it is further ordered
that the Attorneys for Defendant do furnish
Attorney for Plaintiff a Copy of his Said
Brief within a reasonable time

C.H. King
vs
John J. Hawkins

Application having been
made for a Writ of Mandamus and being
fully argued by Atty for Plaintiff and
Col J.J. Wilson having been for Said Writ
Application in the District Court. Contesting
the right of Said C.H. King Now files his
Answer and Submitted his Application with
the Application of Said C.H. King. to this Court
for its Consideration and Judgment

Court Adjourned until 9 A.M. Thursday
January 12th 1888

Court met Thursday January 12th 1888
at 9 a.m. pursuant to adjournment

Present His Honor Jas. H. Wright C.J.
His Honor Wm. W. Porter A.J. and
His Honor Wm H Barnes A.J.
W.J. Mulvenon Deputy U.S. Marshal
J.H. Dodge Crier M Hickey Bailiff
and E.B. Dodge Clerk

It is ordered that an adjourned Term
of this Court be held at Tucson on the
12th day of March A.D. 1888 The Call of Causes
will Begin on the 12th day of March 1888
all Causes and Abstracts & Briefs. must
be then filed on behalf of appellant on
March 1st and Briefs of appellees must
be filed by the morning of the 12th of March
1888 January 12th 1888.

W. W. Porter C.J.
Wm H Barnes A.J.
Jas. H. Wright A.J.

It is ordered that an adjourned Term
be held at Prescott A.T. on the 11th day
of June 1888 and Call of Cases will Begin
on June 18th 1888

Wm H. Barnes A.J.
Jas. H. Wright C.J.
Wm W Porter A.J.

Thomas D. Jatherwhite }
vs }
James Reilly } Clerks certificate in
this Cause having been filed on motion
of Attorney for Appellee. It is by the Court
ordered that the above entitled Cause be
and the same is hereby dismissed. and
it is further ordered that a certified
Copy of this order be Transmitted to
the Court below.
Territory of Arizona }
vs }
P. O. Clanton }

on motion of atty for
Defendant it is by the Court ordered
that [illegible] Term [illegible]

It is ordered that all Cases appealed from the Third Judicial District be and the same are hereby Continued until the 11th day of June 1888

James Reilly
vs Appellant
Bunni Blackmun et al
Appellants

Mountain Maid Mining Co
vs Appellant
James Reilly
Appellee

The above entitled actions having been heard & submitted on motions for a rehearing The Court being now this 12th day of January 1888 fully advised in the premises. denies said motions. Whereupon Thos. H. Benn attorney for Appellants gives notice of appeal in open Court to the Supreme Court of the United States. which said appeal to said Court is allowed. and it is further ordered that the Hon W.F. Bacon the Justice of the Supreme Court from the 1st Judicial District of the said Territory be and he is hereby authorized to fix the amount of supersedeas bonds and to approve the same both in the time prescribed by the Revised Statute of the United States

James Reilly
vs Appellee
Benone Blackmore et al
Appellant

James Reilly
vs Appellee
Benone Blackmore et al
Appellant

Mountain Maid Mining Co
vs Appellant
James Reilly
Appellee

The Court
having had the motion for a Hearing
of the above entitled Causes under Advisement
and Consideration. Now Finds the Motion
Overruled and Denied

It is by the Court Ordered that all Cases
not otherwise disposed of will be and the
same are hereby Continued until the
Adjourned Term to be held the first day of March
A.D. 1886

Daniel C. Tourtellot et al
vs Appellants
John Mulcahey et al
Respondents

} Motion to Continue
Injunction pending
Appeal

A motion having been filed herein by
Appellants to Continue the restraining Order
heretofore granted herein by the District
Court of the First Judicial District.
pending the appeal herein.

Now after hearing
George F. Berry of Counsel for Appellants and
Herring and Fleming for Respondents
It is Ordered. That the Defendants herein
be further restrained from selling and disposing
of any of the ore of or from said Mining Claim
described in the Complaint herein. pending
the appeal herein or from removing any
of said ore off of said mine until the
further order of this Court provided
Plaintiffs shall within ten days from

the filing and entry of this order execute to defendants a Bond with good and sufficient Sureties in the Sum of Two Thousand dollars for their Appearance which defendants may Maintain by reason of the Jail retaining Order Jail Bond and the sufficiency of the Sureties to be approved by the Clerk of the Jail Fifth District Court: and the Sureties to Justify as in injunctions cases. In the meantime a Stay as above is ordered. and the execution of Jail Bond and approval as above specified. dated January 12th 1888

And by order of the Court Court adjourned until the 14th day of March A.D. 1888 to meet at Tucson A.T.

James D. Wright
Chief Justice
W. W. Porter
Associate Justice
Wm H. Barnes
Associate Justice

Court met March 1st 1888 Thursday
Pursuant to adjournment

Present His Hon W.W. Barnes
associate Justice A. T. Rouse
M. D. Attorney H D Underwood
Deputy M. D. Marshal E. S. McElwain
Orier and John H Martin Deputy
Clerk

On motion it is by the Court ordered
that this Court adjourn until to
morrow at 11 O clock A M

Court met Friday March 2nd 1888
Pursuant to adjournment

Present His Hon W.W. Barnes A.J
A. T. Rouse Esq M. D. Dist Atty
H D Underwood Deputy M. D.
Marshal E. S. McElwain Crier
and John H. Martin Deputy Clerk

On motion it is by the Court ordered
that this Court adjourn until to morrow
at 11 O clock A. M.

Court met Saturday March 3rd 1888
Pursuant to adjournment

Present His Hon W.W. Barnes A.J
A. T. Rouse Esq M. D. Dist Atty
H. D. Underwood Deputy M. D. Marshal
E. S. McElwain Crier and John H Martin
Deputy Clerk

On motion it is by the Court ordered
that the Court adjourn until Monday
March 5th 1888 at 11 O clock A M

Court met Monday March 5th 1888
Pursuant to adjournment

Present His Honor W.H. Bowes A J
A.F. Rouse Esq M.D. Dist Atty H.D. Anderson
Deputy M.D. Marshal E.S. McElwain Crier
and John H. Martin Deputy Clerk

on motion it is by the Court ordered
that this Court adjourn until Tuesday
March 6th 1888 at 11 Oclock A m

Court met Tuesday, March 6th 1888
Pursuant to adjournment

Present His Honor W.H. Bowes A J
A.F. Rouse M.D. Dist Atty
H.D. Anderson Deputy M.D. Marshal
E.S. McElwain Crier and John H.
Martin Deputy Clerk

on Motion it is by the Court ordered that
this Court adjourn until Wednesday March
7th 1888 at 11 Oclock A m

Court met Wednesday March 7th 1888
Pursuant to adjournment

Present His Honor W.H. Bowes A J
A.F. Rouse M.D. Dist Atty
H.D. Anderson Deputy M.D. Marshal
E.S. McElwain Crier and John H Martin
Deputy Clerk

on Motion it is by the Court ordered that
this Court adjourn until Thursday March 8th
1888. at 11 Oclock A m

Court met Thursday March 8th 1888
Pursuant to adjournment

Present His Honor W.H. Barnes A.J
A.T. Rouse U.S. District attorney
H.D. Underwood Deputy U.S. Marshal.
E.S. McElwain Crier and John H. Martin
Deputy Clerk

On motion it is by the Court ordered
that this Court do now adjourn until
Friday March 9th 1888 at 11 Oclock A.M.

Court met Friday March 9th 1888
Pursuant to adjournment

Present His Honor W.H. Barnes A.J
A.T. Rouse U.S. Atty for the District
H.D. Underwood Deputy U.S. Marshal
E.S. McElwain Crier John H. Martin Deputy
Clerk

On motion it is by the Court ordered that
this Court adjourn until Saturday March
10th 1888 at 11 Oclock A.M.

Court met Saturday March 10th 1888
Pursuant to adjournment

Present His Honor W.H. Barnes A.J
A.T. Rouse Esq U.S. Dist Attorney
H.D. Underwood Deputy U.S. Marshal
E.S. McElwain Crier John H. Martin Deputy
Clerk

On motion it is by the Court ordered
that this Court adjourn until Monday
March 12th 1888 at 11 O clock A.M.

Court met Monday March 12th 1888
Pursuant to adjournment

Present His Honor W.H. Barnes J.
A.T. Rainey M.D. Dist attorney
H.D. Underwood Deputy M.D. Marshal
W.B. Hopkins Crier and John H. Martin
Deputy Clerk

On motion it is by the Court ordered
that this Court adjourn until Tuesday
March 13th 1888 at 11 o clock A M

Court met Tuesday March 13th 1888
Pursuant to adjournment

Present His Honor James H. Wright
W.H. Barnes and W.W. Porter. A.T. Rainey M.D
District Attorney H.D. Underwood Deputy
U.S. Marshal W.B. Hopkins Crier and
E.B. Dunlap Clerk

On motion of H.N. Jeffords it is by the
Court ordered that Geo L Wood be admitted
as a member of the Defence Counsel of
this Territory

Benoni Blackmore }
vs
James Reilly } Motion to dismiss having been made and submitted. the Motion is by
order of the Court denyed

Henry F. Baldridge }
vs
James Reilly } Motion to dismiss
having been made and submitted. the Motion
is by order of the Court denyed

Alta Mining Co
vs
Benson Mining Co

motion for rehearing having been made and submitted. It is by order of the Court ordered and directed said motion. Whereupon Geo. H. Bemis attorney for applicant gives notice of appeal in open Court to the Supreme Court of the United States which said appeal to said Court is allowed and it is further ordered that the Hon W.H. Boyce the Justice of the Supreme Court from the Sixth Judicial Dist of the said Territory be and he is hereby authorized to fix the amount of the Supersedeas Bond and to approve the same within the time prescribed by the Revised Statute of the United States

238 John Anderson
vs
J.E. Thompson and
J.H. Thompson

on motion of appt the above entitled cause is by order of the Court placed upon the Calendar

239 Richard Clark
vs
U.S.

on motion of appt the above entitled cause is by order of the Court placed upon the Calendar

United States of America
vs
Mark Estabrook Albert
Weinfield and Charles Strauss

on motion of U.S. Dist attorney atty for Defendants consenting thereto it is by the Court ordered and that Judgment be entered for the United States of America against the Defendants for the sum of one Hundred and ninety dollars the United States agreeing to pay the costs of this Court

240 T. J. Bryan
vs
D. H. Pinney et al
motion to dismiss

on motion of attys the above entitled cause is by order of the Court dismissed upon the Calendar

241 George B. Hamm
vs
Pima County
on motion of atty the above entitled cause is by order of the Court dismissed upon the Calendar

242 H. D. Underwood
vs
J. J. Harkins Treasurer

on motion of atty the above entitled cause is by order of the Court dismissed upon the Calendar

232 T. J. Bryan
vs
D. H. Phinney

on motion of atty's for apltt by order of the Court this Cause is placed upon the Calendar This Cause being argued by the respective attorneys and on motion it is by order of the Court taken under advisement and consideration

Charles E. Phillips et al
vs
William W. Hickins et al

on motion of atty's for Respondents it is by the Court ordered that A. D. Duff be allowed 20 days in which to file his Brief herein

232 Louis Jancen et al
vs
The Arizona Copper Co

on motion of apltt the above entitled cause is by order of the Court placed upon the Calendar

233 Washington M. Jacobs
vs
J. M. Forge et al

on motion of apltt the above entitled Cause is by Order of the Court placed upon the Calendar

235 Charles Dyke
vs
P. O. Caldwell

Affidavit & filed on motion of apltt the above entitled cause is by Order of the Court placed upon the Calendar

230 United States of America
vs
Colin Cameron

on motion of atty for apltf it is by the Court ordered that the Name of Rochester Ford Esq be entered as atty for apltf

231 Delores Astiazaran et al
233 vs
Santa Rita Land and Mg Co

on motion of atty for apltf and by order of the Court this Cause is placed on the Calendar and on motion of atty for apltf it is by the Court ordered that the Name of Rochester Ford Esq be entered as atty for apltf

237 James M. Pacheco
vs
Robert E. Wilson

affidavit & filed
on motion of apltf it is by the Court ordered that the above entitled Cause is placed upon the Calendar

234 David A. Poole et al
vs
John McClendon et al

on motion of apltf it is by the Court ordered that the above entitled Cause is placed upon the Calendar

By order of the Court the Court did Journ until Wednesday March 14 1888 at 10 Oclock A M

James A Wright
Chief Justice.

Fourth Mon Wednesday March 14th 1888
Pursuant to adjournment

Present His Honor Jas. H. Wright C.J.
W.H. Barnes A.J. and W.W. Porter A.J.
A.F. Rogers Esq U.S. Dist Atty
H.D. Underwood Deputy U.S. Marshal
W.B. Hopkins Crier and E.R. Burdge Clerk

243 Boston and Arizona Reduction Co
vs
Robert Lewis et al

Now comes Nesbit and moves the Court to dismiss which motion by order of the Court was overruled and denied

240 T.J. Bryan
vs
D.H. Pinney et al

Now comes atty for Nesbit and moves the Court to dismiss. Which motion by order of the Court was overruled and denied. Atty for appt moves the Court for time to file Transcript which motion being by order of the Court allowed

Territory of Arizona
vs
E.J. Nash et al

The Court having had this Cause under advisement and Reconsideration now files the opinion and order the Judgment of the Court below affirmed

220 Charles E. Philes et al
vs
William W. Hickie et al

Atty for atty pl'ff appt moves the Court for leave to file Amendments to Transcript and by Consent of Atty the Court ordered the Amendment filed and on motion of Atty the Cause was the order of the Court submitted

218 Bostin & Arizona Reduction Co
vs
Robert Lewis et al

Now comes The Atty for Apft and moves the Court for leave to file Amendments Transcripts which motion was by order of the Court taken under advisement and the respective Attorneys Argued the Case and Submitted the Same on Briefs

219 Bunni Blakeman
vs
James Reilly

On motion of Attorney for Apft and by order of the Court the above entitled Cause was Submitted on Brief of Apft

220 United States
vs
Henry Hook

On motion of atty for Respt and by order of the Court the above entitled Cause was Continued until Thursday March 10th 1955

224 E. C. Thom
vs
The County of Pima

This Cause was Argued by the respective Attorneys and Submitted.
Attorneys for apft move the Court to Amend the Transcripts which motion was by the Court taken Under Advisement

230 Charles Dyke
vs
O. F. Hardwell

Respt Attorneys move the Court for 10 days in which to file Brief atty and move the Court to Submit the Cause on Briefs which was by order of the Court Entered

237 James M. Pachaco }
vs
Robert E. Wilson }

Respt atty moves the
Court for 10 days in which to file Briefs which
was by order of the Court allowed
and atty moves the Court to submit
this cause on Briefs when filed

Court adjourned until Thursday March
15th 1888 at 10 a m

James F. Wright,
Chief Justice.

Court met Thursday March 15th 1888
Pursuant to adjournment

Present the Hons James F. Wright C.J.
W.W. Baron A.J. Earl Wolfe A.J.
A.T. Rann A.J. Dick atty U.S. Underwood
Deputy U.S. Marshal Crier and
E.B. Clark as Clerk

230 United States of America }
vs
Colin Cameron }

Attorneys for appellant
now move the Court for leave to file
additional record attorney for Respondent
consenting thereto by order of the Court
the Motion was allowed
on motion of attorneys for appellant the
Name of Rochester D.C. was by order of
the Court entered as attorney for appellee
on motion of attorneys ordered by order
of the Court this cause was submitted
on briefs after the argument by the
prosecution Attorney

228 Frank. Ely
vs
The New Mexico
and Arizona R.R. Co.

on motion of attorney for appellant the name of Rochester Ford was by order of the Court entered as atty for appellant.

The Cause being fully argued by respective attorneys on motion of attorneys this cause was by order of the Court submitted on briefs and by the Court taken under advisement

Court adjourned until Friday March 16th 1888 at 9 oc a m

James F. Wright
Chief Justice.

Court met Friday March 16th 1888 at 9 oc a m Pursuant to Ed Journment

Present His Honor James F. Wright C J
U.S. Bowes A. J. and Tom W. Botts J
G. L. Rowe Esq U.S. Dist Attorney
F. D. Underwood Deputy U.S. Marshal
W.B. Hopkins Crier & E.R. Darby Clerk

214 Annie Blackman
vs
James Reilly

By order of the Court Judgment is Arrested and the Cause Remanded

234 V. J. - Appeal
D. H. Pinney et al

By order of the Court the motion to dismiss is denied
By order of the Court the order to file Transcript Time is extended

233 Washington M. Jacobs
J. M. Leonard et al

This cause argued and on motion of attys and by order of the Court the cause is submitted on Briefs

234 Daniel O Toole et al
John Mulander et al

This Cause now argued by respective attorneys and on motion of atty Lowe by order of the Court submitted and taken under advisement and Consideration
attorney for Respt moves the Court to dissolve the restraining order and by order of the Court filed his motion and the Court forthe 2 days under advisement

United States
Henry Hook

Argued by the respective attorneys and on motion of atty for Respt Lowe by order of the Court submitted on Briefs

240 T. J. Bryan }
vs }
D. W. Pinney et al }

Attorney for apl[t] moves the Court for a Continuance of this cause until the June Term. and on being argued by Counsel by Order of the Court Submitted and taken under advisement

George T. Martin }
vs }
Wells Fargo & Co }

This Cause coming on to be argued by the respective Attorneys and on motion of Attorneys for Respt. the Case is by order of the Court Submitted on briefs

Court adjourned until Saturday March 17th 1866 at 11 A.M.

James Wright
Chief Justice

Court met January March 17th 1888
Pursuant to adjournment at 10 am

Present Hon Hosea Jamuel Wright C.J
Hon Bowie A.J. and Porter A.J
C.F. Hamm Esq U.S. Dist. Atty
F.A. Hamlin Deputy U.S. Marshal
E.B. Hopkins Clerk and Sheriff

Whereas an account of E.B. Hopkins Clerk of the U.S. Supreme Court of the Territory of Arizona held at Prescott A.T. and the adjourned term held at Tucson A.T for official services from the Ninth day of January to 1st Jany 9-10-11-12 at Prescott and from the 1st day of March to 14th March 1st 2-3-5-6-7-8-9-10-12-13-14-15 16 and 17- at Tucson having been submitted by C.F. Hamm Esq U.S. Dist atty to this Court for approval and it appearing to the Satisfaction of the Court by the oath of the said Clerk Upon said account That the services have been actually and necessarily performed as stated and the charges appearing to be just and according to Law and for the days for which charges are charged services have actually translated It is hereby ordered that the sum of Dollars be and the same is hereby allowed done in open Court in the Presence of C.F. Hamm Esq U.S. Atty for the District of Arizona on this 17th day of March A.D. 1888

In the Supreme Court Territory of Arizona
Tucson March 17th 1888

E.B. Hopkins Clerk of this Court having tendered his resignation as such to take effect on the 31st day of March 1888 the same is hereby accepted and William Williamson is hereby appointed Clerk of this Court and upon giving bond and qualifying according to law be fully invested with all the rights ~~of said office to said office this appointment~~

to take effect from the said 31st day of March 1888

Signed Jeremiah Wright Jr J
Wm L Porter " J
W.H. Barnes " J

248 T.J. Bryan }
vs }
S.H. Pinney et al }

By order of the Court the motion for a continuance is denied and on motion of attorneys for appellee the record and transcript herein shall be taken as confessed and appellee shall have 20 days from and after this day in which to file Transcript Abstracts of & Briefs and that Appellant shall have a reasonable time thereafter in which to file Briefs

234 Daniel A Foote et al }
vs }
John McLendon }

By order of the Court the motion of atty for Respt to set aside continuance and case is taken under advisement and consideration

239 Richard Hart }
vs }
T.J. Wells Assignee }

Now comes attorney for appellee and moves the Court for leave to file assignments of Error which motion was by order of the Court taken under advisement

231 Dolores Aguirre et al }
vs }
Santa Rita Land & Mg Co }

Attorney moves the Court to enter the name of Rathbun & Nye as attorney which motion was by order of the Court ordered & entered. Cause coming on to be heard by Motion & and on Motion Cons by appellee submitted on Briefs

235 Charles Dyke
vs
P. V. Caldwell

on motion of attorney for appellee to file additional assignments of error motion having been filed it is ordered and on the allowance and taken under advisement and consideration with the cause when submitted.

282 Louis Jantzen et al
vs
The Arizona Copper Co

This cause coming on being argued by atty for appellee and on motion of attys it is by order of the Court submitted on Brief for consideration

No 234 F. J. Bryan
vs
W. H. Pinney

on motion of Prosecution attorneys the Court ordered that the Prosecution attorney could argue the cause and file Briefs and submit the same to the Court for consideration

H. D. Mudgwood
vs
John J. Hawkins

This Cause being argued by Prosecution Attorneys on motion and by order of the Court submitted to the Court for consideration

235 Charles Dyke
vs
P. V. Caldwell

This cause coming on regularly for hearing and being argued by atty for appellee and on motion of attys the same by order of the Court submitted on Briefs to be hereafter filed by Both

No 237 Jesus M. Pacheco }
vs }
Robert E. Wilson }

This cause coming on regularly for hearing and on being argued by attys for appls. and on motion of attorneys this cause was by order of the Court submitted on Briefs Briefs to be filed within 10 days and then submitted to the Court for consideration

No 238 John Anderson }
vs }
J. E. Thurman and }
J. H. Thurman }

This Cause coming on regularly for hearing and being fully argued upon motion of appellees attorney and by order of the Court this Cause was submitted on briefs.

Richard Olson }
vs }
T. L. Ellis }

Comes now the atty of appt and moves the Court to file additional assignments of error which by order of the Court is filed

Thereupon the Court adjourned until Monday March 14 A.D. 10 o'clock A.M.

James H. Wright
Chief Justice.

Court Met Monday March 19th 1888
Pursuant to Adjournment

Present His Honor W.H. Barnes and
Wm. H. Porter. A.F. Rouse Esq M.D
District Attorney H.D. Underwood
Deputy U.S. Marshal and Clerk
by Deputy Court Bailiff

John. Anderson }
vs }
J.E. Thompson and }
J.H. Thompson }

Argued by Prosecution
Attorney and on Motion of Atty and
by order of the Court the above entitled
Cause was Submitted

Richard. Olin }
vs }
P.R. Atiles }

Atty for Appellant Moves
the Court for leave to file additional
Briefs and by order of the Court the
Atty are allowed 20 days to file said Briefs
And the Cause was Argued and
Submitted

Leo. B. Henry }
vs }
The County of Pima }

Argued by Prosecution
Attorney and on Motion of Atty and by
order of the Court the above entitled Cause
was Submitted

Court Adjourned until Tuesday
March 20th 1888

Court Met Tuesday March 20th 1888
Pursuant to adjournment

Present His Honor W.T. Barnes J.P. and Wm H Porter J.P. A.F. Rowe Esq U.S. Dist Atty H.D. Underwood Deputy U.S. Marshal and Clerk by Deputy Asst Bailiff

United States
vs
Colin Cameron

On Motion of Atty for Dfft Atty for Plff consenting thereto it is by the Court ordered that Rochester & Oakley be Allowed 15 minutes for further Argument on the part of Defendant

Whereas W.K. Meade United States Marshal has rendered to this Court an account of his disbursements for Fees of Bailiffs &c incurred at and previous to the Reg & Adj term 1888 at Prescott & Tucson of the United States District Court both witnesses and jurors there and in absence of A.F. Rowe United States Attorney has proved on oath to the Satisfaction of the Court that the Services therein Charged were actually and Necessarily performed as therein stated and that the disbursements Charged in were fully paid in lawful money and whereas said Charges appear to be just and according to law

It is hereby ordered that the said account Amounting to Fifty Six dollars be and the same is hereby Approved

Jas. H. Wright Chief Justice
Wm H Porter Associate Justice
W.T. Barnes Associate Justice

Whereas W. K. Meade United States Marshal has rendered to this Court an account of his Fees and Expences with the vouchers and items thereof and in presence of A. T. Rowe United States Attorney has proved on oath to the Satisfaction of the Court that the Service and Travel charged therein were actually and Necessarily performed and that the Expences incurred and Whereas Said Charges appear to be Just and according to Law

It is Hereby ordered that the Said account Amounting to One Hundred and Ninety two Dollars and fifty four cents be and the Same is hereby approved and we further Certify that days for which fees and dimes are charged in this account The Court was Regularly Opened for business

Jas. H. Wright Chief Justice
Wm. B. Porter Associate Justice
William R Bowie Associate Justice

Court Adjourned to Meet at Prescott June 11. 1848 at 10 A M

Jas. H. Wright
Chief Justice

The Supreme Court of the Territory of Arizona
Met Monday June 11th 1888. at 10. O.clock A.M.
Present Hon. James H. Wright Chief Justice
U.S. Marshal by Deputy, and Clerk.

And there being No quorum, the Court adjourned
until Monday June 18th 1888. at 10. O.clock am.

James H. Wright
Chief Justice

Court Met Monday June 18th 1888. at 10. O.clock
A.M. pursuant to adjournment,
Present Hon James H. Wright Chief Justice
U.S. Marshal by Deputy and clerk

and there being No. quorum, Court adjourned
until Monday June 25th 1888. at 10. O.clock
A.M.

James H. Wright
Chief Justice

Court Met Monday June 25th 1888. at 10. o.clock
am. pursuant to adjournment.
Present Hon James H Wright Chief Justice
U.S. Marshal by Deputy and Clerk.
and there being no quorum Court adjourned
until. Monday July 2nd 1888, at 10. O.clock am.

James H. Wright,
Chief Justice

Court Met Monday July 2d 1888. at 10. O. clock A.M. pursuant to adjournment. Present Hon James H. Wright, Chief Justice Hon W.W. Porter associate Justice. U.S. Marshal by Deputy and Clerk.

Territory of Arizona
plf & Respt
vs
Geo W. Kay -
deft & appelt

Case Continued for the term -

Territory of Arizona
plf & Respt
vs
P H. Clanton
deft & appelt

Case Submitted on Briefs, to be filed in thirty (30) days.

Territory of Arizona
plf & Respt
vs.
Francisco Baca
deft & appelt

Case Continued for the term.

Territory of Arizona
plf & Respt
vs
E M. Dooley.
deft & appelt

Passed

Phil Strahan plf & appellee.
vs.
J.R. Kilpatrick deft & appellant

Case Continued for the term

Pima County
Plf & appellee
vs.
J. H. Martin
deft & appelt
Passed

C. S. Clark, appellant
vs
James Reilly, appellee
Continued for the term

Andrew Garnett et al
appellants
vs
Daniel C. Cary et al
appellees

Mallie Herbert
Plf & Respt
vs
Pasqual Nigro,
deft & appelt
Continued for the term

T. W. Johnson
Plf & appellee
vs
R. E. Morrison
Deft & appelt
Continued for the term

The United States of America
appellee
vs.
One Hundred and fifty
Head of Cattle and fifty
two Calves
appellant
Continued for the term

Territory of Arizona
appellee
vs
The Persons, Real Estate, Land and property described in the delinquent list of the County of Mohave, Territory of Arizona, for the year 1887.
appellant

Continued for the term

Territory of Arizona
Respondent
vs.
The persons, associations, Corporations and Real Estate, Land and property described in the delinquent List of Apache County, for the year 1887.
appellant

Continued for the term

Art McDonald
appellee
vs
A T & S. F. R. R. Co.
appellant,

Continued for the term

M G. Samaniego,
appellee
vs
T A. Stiles - assignee
appellant

Passed -

N Herrick. v - G H. M Luhrs
appellis
vs
Wm A. Hancock & wife. Respts

Motion by appellants to dismiss appeal
sustained and appeal dismissed

And the Clerk directed to issue Remittitur forthwith

Court adjourned until tomorrow July 3rd 1888 at 10. O. Clock A. M.

Chief Justice

Court Met Tuesday July 3rd 1888, at 10. O. clock A.M, pursuant to adjournment,
Present Hon James H. Wright Chief Justice
Hon. W. W. Porter Associate Justice
U.S. Marshal by Deputy
and Clerk.

Pima County
Plaintiff and Appellee
vs.
J. H. Martin
Defendant and Appellant

By Consent of parties, this Cause was Called for hearing, and respective parties being present by their attorneys, S.M. Franklin Esqr Counsel representing Appellee, and John Haynes Esqr, Counsel representing Appellant, The Case was fully argued by respective Counsel, Submitted and taken under advisement.

M.G. Samaniego Plff + Respt,
vs.
T.L. Stiles assigne, Appellant

By consent of parties, this Cause was Called for hearing, and respective parties being present by Counsel, S.M. Franklin Esq Counsel Representing respondent and John Haynes Esq Counsel representing appellants' The Case was fully argued by respective Counsel, Submitted and taken under advisement

Court adjourned Sine die.

Chief Jus.

The Supreme Court of the Territory of Arizona
Met Monday January 14th 1889. at 10. O. clock a.m.
pursuant to law—
Present His Honor James H. Wright Chief Justice.
Maj. Hickey Crier : and L. B. Dillon
Baliff each having been duly appointed and Sworn.
Alex M. Wilkerson Clerk

Court adjourned until Thursday Next
January 17th 1889. at 10. O'clock A.M.

Chief Justice

Court Met Thursday January 17th 1889. at
10. O. clock, A.M. pursuant to adjournment,
Present Hon James H. Wright Chief Justice,
Hon W. H. Barnes associate Justice—
W. K. Meade U.S. Marshal—
Baliff. and Clerk—

Territory of Arizona, Plff & Appellee
vs.
The persons, firms, Companies,
Corporations, Land & property
described in the Delinquent list of
Mohave County for year 1887.
A & P R R Co—

P. M. Strahan
Plff & Respt
vs.
J. R. Kilpatrick
Dft & appelt

Set for argument
tomorrow or January 18th 1889

J. W. Johnston
Plff & appellee
vs
R. E. Morrison
Deft & appelt

Set for argument Saturday January 19th 1889.

Territory of Arizona
Plff & appellee
vs
Geo W. Kay
Deft & appelt.

The attorney General being present, stated to the Court that he was disqualified to act as Counsel for appell in this Case, and it now appearing to the Court that there is no Counsel representing said appellee, and further that it necessary and proper that there should be Counsel appointed to represent said appellee, It is therefore by the Court Ordered that L. F. Eggers, Esq., be and he is hereby appointed Counsel to represent said appellee.

Case set for argument Monday not January 21st 1889.

In the Matter of the application of H. D. Ross Esq. to be admitted to practice as an attorney and Counselor in this Court

Upon Motion of H. D. Hawkins Esq., and on presentation of Certificate of admission to the Supreme Court of the State of Iowa, and the Court being satisfied of the good Moral Character of said Applicant. It is by the Court Ordered that upon taking the oath as prescribed by law, and signing the Roll of attorneys he be admitted to practice as an attorney and Counselor in this Court and that the Clerk issue to him the Necessary license therefor.

Territory of Arizona
pltff & appellee
vs
P. T. Clanton
Deft & appelt
Case submitted on Briefs filed.

Henry Smith et al
appellants
vs
B. Blackmore
appellee
Motion to amend record and Continue Case Submitted -

Court adjourned until tomorrow January 18th 1889 at 10. O'clock A.M.

Chief Justice

Court Met Friday January 18th 1889. at 10. O'clock A.M. pursuant to adjournment,
Present Hon James H. Wright
Chief Justice
Hon W. H. Barnes Associate Justice,
U.S. Marshal- Crier and Clerk.

Territory of Arizona
pltff & appellee
vs
P. T. Clanton
Deft & appelt
This cause having been submitted on Briefs and the Court having had the same under advisement, and being fully advised in the premises it is by the Court Ordered that the judgment of the Court below be and the same is hereby affirmed

Associate Justice Barnes rendering decision, Chief Justice Wright Concurring -

Henry W. Smith et al
vs.
B. Blackmore
Motion to Correct Record (transcript) and to Continue Case Sustained

P. N. Strahan
Pltf & appellee
vs.
J. R. Kilpatrick
Dft & appelt
} This cause coming on for argument was argued by E. M. Sanford Esqr for appellant, and by J. F. Wilson Esqr for appellee, and being fully argued & submitted & taken under advisement -

Court adjourned until tomorrow January 19th 1889. at 10. O'clock A.M.

Chief Justice

Court Met Saturday January 19th 1889. at 10 o'clock A.M. pursuant to adjournment. Present Hon. Jonas H. Wright Chief Justice
Hon W. H. Barnes Associate Justice
U.S. Marshal - Ralph Clerk -

Washington M. Jacobs
vs
J. M. Georgetta

This cause having been submitted and the Court being fully advised in the premises. It is by the Court ordered and adjudged that the judgment of the Court below be and the same is reversed.
Opinion by Chief Justice Wright. Associate Justice Porter concurring - associate Justice Bowen dissenting

Boston and Arizona Smelting & Reduction Company
vs
R. A. Lewis -

This cause having been submitted and the Court being fully advised in the premises. It is by the Court ordered and adjudged that the judgment of the Court below be and the same is hereby affirmed -
opinion by W. H. Barnes Associate Justice - James H. Wright Chief Justice dissenting. Porter associate Justice Concurring -

Louis Jauteon
vs
Arizona Copper Co

This cause having been submitted and the Court being fully advised in the premises - It is by the Court ordered and adjudged that the judgment of the Court below be and the same is hereby affirmed.
Opinion by associate Justice Porter. Chief Justice Wright dissenting [illegible]

C. W. Reach
Pltf & appellee
vs
Frederick Gaines
Deft & appellt

On Motion of E. M. Sanford Esqr. Counsel for appellt. Counsel for appellee consenting. this Cause is submitted on Briefs filed -

J. W. Johnston
Pltf & appellee
vs
R. E. Morrison
Deft & appellt

This Cause Coming on to be heard, was argued by E. M. Sanford Esqr, for appellant and by Harris Baldwin Esqr for appellee - and being fully argued was submitted and taken under advisement

Court adjourned until Monday Next. January 21st 1889. at 10. O. clock A. M.

Chief Justice

Court Met Monday January 21st 1889. at 10. O. clock A. M. pursuant to adjournment -

Present James H. Wright Chief Justice
W. H. Barnes Associate Justice
O. T. Rouse U. S. attorney -
U. S. Marshal, Cred & Clerk -

Atlantic & Pacific R. R. Co
vs
J. T. Lessure -

January 22nd 1889. at 10 O. clock A. M. Case set for hearing ~~Motion for~~ rehearing -

In the Matter of the application of E. Burgess, to be admitted to practice as attorney and Counselor in this Court.

On Motion of E. M. Sanford Esqr, and presentation of Certificate of admission to practice in the District Court of the 2nd Judicial District of Arizona Territory. and the Court being satisfied of the qualifications, and of the good Moral character of said applicant.

It is ordered that the said applicant be and he is hereby admitted to practice as attorney and Counselor in this Court on taking the Oath as prescribed by law and signing the Roll of attorneys and that the Clerk issue to him the Necessary Licence therefor -

Art McDonald Appellee
vs
Atlantic Pacific Rail Road Co Appelt

This Cause coming on to be heard, argument of Case was opened by Wm C. Hazledine Esqr. for Appelt further argument in Case Continued until tomorrow January 22nd 1889. at 10. O. clock A.M.

Court adjourned until tomorrow January 22nd 1889. at 10. O. clock A.M.

Chief Justice -

Court met Tuesday January 22nd 1889. at 10. O. clock A.M. pursuant to adjournment
Present Hon. James H. Wright Chief Justice
Hon. Wm. F. Barnes Associate Justice -
U.S. Attorney U.S. Marshal
atty Genl -
Crier of Court
and Clerk -

Territory of Arizona;
Appellee
vs
The persons, Real Estate, Land and property described in the delinquent List of the County of Yavapai, Territory of Arizona for the year 1887.
A T & P. Rail Road Co.
Appellt

on motion. It is Ordered that the Corrected transcript = the same having been Corrected as per Stipulation of respective Counsel = Hands as the record in this Case -

Ant McDonald
Appellee
vs
A T & P. Rail Road Co.
Appellant

Argument of Case was resumed by Harris Baldwin Esqr for Appellee, closing his argument - followed by J.C. Herndon Esqr for Appellant closing the argument - and being fully argued, it is by the Court ordered that the Case be and same is submitted

Court adjourned until tomorrow January 23rd 1889 at 10. O. clock A.M.

Chief Justice

Court Met Wednesday January 23rd 1889, at 10. O. clock A.M. pursuant to adjournment -
Present Hon James H. Knight, Chief Justice
Hon Wm H. Barnes Associate Justice -
U.S. attorney - U.S. Marshal - atty Genl
Crier and Clerk -

Charles M. Peach Appellee
vs
Frederick Gaines appellant

This Cause having been submitted on Briefs filed, and the Court having had the same under advisement and consideration, and being fully advised in the premises; It is by the Court Ordered that the judgment of the Court below be and the same is hereby affirmed -
Associate Justice Barnes rendering decision. Chief Justice Wright Concurring -

Atlantic & Pacific Rail Road Co
Appellant
vs
J. T. Leeuem
Appellee

Motion for re-hearing Coming on to be heard - came was argued by W. C. Hazledine & E. M. Sanford Esqr. supporting and for appellant - and by P. M. Baldwin opposing and for appellee and being fully argued Motion was submitted

Territory of Arizona Appellee
vs
Geo. W. Kay appellant

This Cause coming on to be heard, Argument of Case was opened by J. C. Herndon Esqr. for appellant. Further argument Continued until tomorrow January 24th 1889 -

Court adjourned until tomorrow January 24th 1889 at 10. O'clock a.m.

Chief Justice -

Court Met Thursday January 24th 1889. at 10. O, clock A.M. pursuant to adjournment
Present Hon James H. Wright, Chief Justice,
Hon W.H. Barnes Associate Justice.
U.S. attorney, U.S. Marshal, Crier, LaRue
Attorney General. & Clerk By Deputy

Atlantic & Pacific R.R.Co
Appellant
vs
J.F. Lessuer,
Appellee

Argument on Motion for re-hearing being resumed, same was argued by
for Appellee, closing the Argument-
Motion submitted and taken under advisement

Territory of Arizona appellee
vs
Geo. W. Kay appellant

Argument of Case being resumed same was argued by L.F. Eggers Esqr for appellee closing the argument- And being fully argued Case was submitted and taken under advisement-

In the Matter of the application of Samuel Purdy Esqr. to be admitted to practice as Attorney and Counselor in this Court,

Upon Motion of L.F. Eggers and on presentation of

and the Court being satisfied of the good Moral character of said applicant, it is by the Court Ordered that upon taking the Oath prescribed by law, and signing the Roll of attorneys, he be admitted to practice as an attorney and Counselor in this Court, and that the Clerk issue to him the Necessary License therefor

Court adjourned until tomorrow January 25th 1889, at 10. O. clock A.M.

Chief Justice

Court Met Friday January 25th 1889, at 10. O. clock A.M. pursuant to adjournment.

Present Hon James H. Wright Chief Justice,
Hon Wm H. Barnes Associate Justice-
U.S. Attorney- Attorney General- U.S. Marshal,
Court Crier and Clerk,

P. N. Strahan Appellee
vs
J. R. Kilpatrick, appellant

This cause having been argued and submitted, and the Court having had the same under advisement and Consideration and being fully advised in the premises, it is by the Court Ordered and adjudged that the judgment of the Court below be and the same is hereby affirmed

Associate Justice Barnes rendering decision
Chief Justice Wright Concurring, Associate Justice Porter not sitting -

Territory of Arizona Appellee
vs
The Persons, Real Estate, Land and property Described in the Delinquent List of the County of Mohave, Territory of Arizona for the year 1887.
A. T. & P. Rail Road Co.
Appellant

In this Cause the Appellee having Suggested a diminution of the Record, and an amended Record having been prepared and filed in accordance with the Suggestions of the appellee, It is Ordered on the Consent of all parties that the amended Transcript as filed on this day, be and the same is hereby substituted as and for and in the stead and place of the Original Transcript herein

Court ordered that all Causes and Matters not heretofore disposed of and disposed of at the adjourned term of this Court at Phoenix, A.T. February 11th 1889, at 10. O. clock,

Territory of Arizona
Appellee
vs
The Persons, associations, Corporations, Firms and Companies, and Real Estate Lands and property described in the delinquent List of the County of Apache for the year 1887.
A T & P. Rail Road Co-
Appellant

In this Cause the appellee having suggested a diminution of the records and an amended record having been prepared and filed in accordance with the suggestions of the appellee, It is ordered on the Consent of all parties that the amended Transcript as filed on this day be and the same is hereby substituted as and for and in the stead and place of the Original Transcript herein-

Territory of Arizona Appellee
vs
The persons, firms, associations, Corporations, Real Estate, Land and property, described in the Delinquent List of the County of Yavapai for the year 1887.
A T & P. Rail Road Co- Appellant

In this Cause the appellee having suggested a diminution of the record and an amended record having been prepared and filed in accordance with the suggestions of the appellee. It is Ordered on the Consent of all parties that the amended Transcript as filed on this day be and the same is hereby substituted as and for and in the stead and place of the Original Transcript herein-

P. H. Strahan appellee
vs.
J. R. Kilpatrick appellant

And upon the judgment of this Court affirming the [illegible]
below, this Cause

Court below was a Money Judgment, for the sum of $1190.53/100

That the defendant J.R. Kilpatrick Executed his appeal bond with J.R. Lockett. A Doyle and Ralph H. Cameron as Sureties thereon for the sum of $2400.00 and filed the same Dec 25th 1887.

It is therefore Considered by this Court that the plaintiff P.H. Strahan and Appellee herein have and recover of and from the defendant J.R. Kilpatrick and J.R. Lockett, A Doyle and Ralph Cameron, said Sureties the sum of $1190.53/100 and his Cost of this appeal, and that he have Execution thereon -

In the Supreme Court of the Territory of Arizona -

In the Matter of an adjourned February and Regular Term of this Court } It appearing to the Court Necessary for the disposition of the business pending in said Court that an adjourned term should be held at Phoenix A.T. on the 11th day of February 1889 - also at Prescott A.T. on the 3rd Monday in June A.D. 1889 -

It is by the Court ordered that this Court do Now adjourn until Monday the 11th day of February A.D. 1889, at 10. O.clock A.M. of that day, to Meet at Phoenix Arizona Territory

James H. Wright
Chief Justice

Wm H. Barnes
Associate Justice -

Court met at Phoenix, Arizona Territory, on Monday February 11th 1889. at 10 Oclock A.M. Pursuant to adjournment

Present. Hon James H. Wright Chief Justice
Hon Wm. H. Barnes Associate Justice
Hon H.W. Porter Associate Justice
Owen T. Rouse U.S. Attorney.
W.M. Breakenridge Dpty U.S. Marshal
J.E. Walker Dpty. Clerk

J.E. Boyd. was appointed. and duly sworn a Crier for the Court.

In the Matter of the Application of Charles G. Johnson Esq. to be admitted to practice as an Attorney and Counsellor in this Court.

Upon Motion of George G. Berry Esq. and presentation of Certificate of admission to the Supreme Court of the State of New York, and the Court being satisfied of the good moral character of said Applicant it is by the Court ordered, that upon taking the oath as prescribed by law, and signing the roll of Attorneys he be admitted to practice as an Attorney and Counselor in this Court, and that the Clerk issue to him the necessary License therefor.

Territory of Arizona Appellee
vs.
The Persons. Real Estate, Land and Property described in the Delinquent List of the County of Mohave, Territory of Arizona for the year 1887.
A. and P. R. R. Co. Appellant

Set for argument tomorrow Feby 12th 1889 at 10. oclock A.M.

Territory of Arizona. Respt
vs
The Persons. Associations, Corporations. Firms, and Companies and Real Estate Land and Property described in the delinquent List of [illegible]

for the Year 1887.
A. and P. Rail Road Company
Appellant.

Set for argument tomorrow
Feby 12th 1889. at 10. oclock Am.

Territory of Arizona
Plff and appellee
vs.
The Persons, Firms, Associations,
Companies, Real Estate, Land and
Property described in the Delinquent
List of the County of Yavapai for
the Year 1887.
A. and P. Rail Road Co.
Appellant.

Set for argument tomorrow Feby 12th 1889. at 10. Oclock AM.

Isaac B. Hand
Plff and Respt.
vs
Wm. M. Ruff
Dft and Applt

On Motion of Ben Goodrich Esq. Attorney for Appellant, ordered that this case be placed upon the Calendar.

In the Matter of the Application of William B. Stachle. Esq. to be admitted to practice as an Attorney and Counselor in this Court.

Upon presentation of a Certificate of admission to the Supreme Court of the State of Illinois, and the Court being satisfied of the good Moral Character of said applicant, it is by the Court Ordered, that upon taking the oath as prescribed by law and signing the roll of Attorneys, that he be admitted to practice as an Attorney and Counsellor in this Court, and that the Clerk issue to him the necessary License therefor.

James Brash
Pltff and Respt
vs.
Nicholas White
Deft and Appellant

On Motion of Counsel for Respondent, and the certificate of the Clerk of District Court of Pinal County, with a copy of the appeal Bond, it is ordered that the Judgment of the said District Court in the above entitled Cause, be, and the same is hereby affirmed, against the Appellant and the sureties on the Appeal Bond, Peter Hill and Andrew J. Denier, at the cost of said Appellant and sureties. for which let execution issue.

E. S. Clark
Appellant
vs.
James Reilly
Appellee.

On Motion of Counsel for Appellee and the Certificate of the Clerk of the District Court of Cochise County, with a Copy of the Appeal Bond, it is ordered that the Judgment of the said District Court in the above entitled Cause, be, and the same is hereby affirmed against the Appellant and the sureties on the Appeal Bond, Geo. G. Berry, and G. S. Bradshaw, at the Cost of said Appellant and sureties for which let Execution issue.

Thomas P. Bowen, John Nardini
Andrew Garrett, Dennis McCarthy,
and Richard C. McCafferty
Appellants
vs.
Daniel Cleary, James Yorio,
and Henry Frey.
Appellees

On motion of Counsel for Appellees. and the Certificate of the Clerk of the District Court of Cochise County, with a Copy of the Appeal Bond it is ordered, that the Judgment of the said District in the above entitled Cause, be, and the same is hereby affirmed against the Appellants, and the sureties the Appeal Bond Ex-

Cost of said Appellants and Sureties. for which let Execution issue.

Mollie Herbert
Plff and Appellee
vs.
Pasqual Nigro
Dft and Appellant

On Motion of Counsel for Appellee, and the Certificate of the Clerk of the District Court of Cochise County, with a Copy of the Appeal Bond it is ordered that the Judgment of the said District Court in the above entitled Cause, be, and the same is hereby affirmed against the Appellant and the Sureties on the Appeal Bond, T. A. Walker and S. Tribolet, at the Cost of said Appellant and Sureties, for which let Execution issue.

In the Matter of the Application of Wilber D. Lunt Esq to be admitted to practice as an Attorney and Counsellor in this Court.

On Motion of Webster Street Esq. and presentation of Certificate of admission to the Supreme Court of the United States, and the Court being satisfied of the good Moral Character of said applicant, it is by the Court ordered that upon taking the oath as prescribed by law, and signing the roll of attorneys, he be admitted to practice as an Attorney and Counsellor in this Court, and that the Clerk issue to him the necessary License therefor.

In the Matter of the Application of Charles P. Ainsworth Esq. to be admitted to practice as an Attorney and Counselor in this Court.

On Motion of Ben Goodrich Esq. and presentation of Certificate of admission to the Supreme Court of the State of Wisconsin, and the Court being satisfied of the good moral Character of said applicant, it is by the Court ordered that upon taking the

law, and signing the roll of Attorneys, he be admitted to practice as an attorney and Counselor in this Court, and that the Clerk issue to him the necessary License therefor.

F. C. Hatch
Appellant
vs.
J. L. Gant
Appellee

On motion of S. B. Lightizer Esq ordered that this cause be placed upon the Calendar.

Dolores G. Astiazaran
Et al. Appellants
vs.
The Santa Rita Land and Mining Company, (a Corporation)
Appellee

It is hereby ordered and adjudged that the facts found by the District Court in the above entitled action, are hereby adopted as the findings of fact of this Court in the said action.

Dolores G. Astiazaran
Et al. Plaintiffs
vs.
The Santa Rita Land and Mining Company, a Corporation
Defendants

Upon Motion of Messers Jeffords & Francolini and Rochester Ford, attorneys for appellants in the above entitled Cause, and it appearing to the satisfaction of this Court that the property in controversy in said action exceeds in value the sum of five thousand dollars; and the said plaintiffs and appellants having filed a cost bond, which has been duly approved by this Court; It is hereby ordered that the appeal of Dolores G. Astiazaran, Jesus A. de Ocequera, Francisca Ocequera, Carmen O. de Espriu, Augustina O. de Robinson, Gandara, Migel Gandara, Trinidad Aguilar, Fernando A. Anita Aguilar, Jesus A.

and Frank Ely. from the Judgment and decree of this Court, in the above entitled cause to the Supreme Court of the United States, be, and the same hereby is granted and allowed in open Court.

Court adjourned until tomorrow Feby. 12th 1889 at 10. oclock A.M.

Chief Justice.

Court met Tuesday February 12th 1889. at 10. Oclock A.M. Pursuant to adjournment.

Present Hon. James H. Wright Chief Justice
Hon. Wm. H. Barnes Associate Justice
Hon W. W. Porter Associate Justice
U.S. Attorney, Atty. General. U.S. Marshal by Deputy. Clerk by Deputy, and Crier

James Reilly
Pltff and Appellee
vs.
M. G. Crowley. Auditor and Ex officio Recorder of the City of Tombstone A.T.
Dft and Appellant.

On motion of Geo. G. Berry Esq. Atty for Appellant. it is ordered by the Court that this Cause be placed upon the Calendar, And it is further ordered on Motion of Appellants Attorney that appellant have twenty (20) days from this day in which to file briefs, Appellee. have twenty (20) days thereafter to reply, and Cause to be submitted on Briefs

Territory of Arizona
Respt
vs.
The Persons, Associations, Corporations, Firms and Companies and Real Estate Land and property described in the Delinquent List of Apache

Appeal of A and P. R. R. Co.

This Cause coming on for argument was argued to the Court by Wm. G. Hazledine Esq. Attorney for Appellant followed by Harris Baldwin Esq. Counsel for Appellee, on the question of Jurisdiction and by E. M. Sanford Esq. Counsel for Appellant Further argument in case continued until tomorrow February 13th at ten oclock A.M.

Court adjourned until tomorrow February 13th 1889 at 10 oclock A.M.

Court Met Wednesday February 13th 1889. at ten Oclock A.M. pursuant to adjournment

Present Hon. James H. Wright Chief Justice
Hon Wm. H. Barnes Associate Justice
Hon W. W. Porter Associate Justice
U. S. Attorney. Atty Genl. Marshal by Dpty. Clerk by Dpty and Crier.

In the matter of the Application of Ira E. Leonard Esq. to be admitted to practice as an Attorney and Counselor in this Court.

On motion of E. M. Sanford Esq. and presentation of Certificate of admission to the Supreme Court of the Territory of New Mexico, and the Court being satisfied of the good Moral Character of Applicant. It is ordered, that upon taking the oath as prescribed by law. and signing the roll of Attorneys, he be admitted to practice as an attorney and Counselor in this Court. and that the clerk issue to him the necessary license therefor.

T. J. Bryan
Pltff and appellt
vs.
M. H. Kales Et. al.
Defts and appellees

been argued. submitted. and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, It is ordered that the Judgment of the District Court be. and the same hereby is affirmed. Appellant then and there in in open court by Counsel. gave notice of Appeal to the Supreme Court of the United States. Opposing Counsel being present.

Opinion rendered by W. H. Porter Associate Justice Chief Justice Jas. H. Wright and Associate Justice Wm. H. Barnes, concurring.

M. G. Samaniego
Pltff and Respt
vs.
F. L. Stiles. Assignee etc
Deft and Applt

This cause having heretofore been argued. submitted. and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, It is ordered that this cause be reversed. and remanded. with instructions to amend decree by striking out the name of F. A. Pritte as defendant

Opinion rendered by Jas. H. Wright. Chief Justice Wm. H. Barnes Asso. Justice and W. H. Porter Associate Justice Concurring

F. J. Bryan
Pltff and Appellant
vs.
D. H. Pinney et al
Defts and Appellees

This cause having heretofore been argued, submitted, and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, it is ordered that the Judgment of the District Court allowing "Non Suit" be and the same hereby is reversed.

Opinion rendered by W. H. Porter Associate Justice Wm. H. Barnes associate Justice Concurring. Chief Justice Jas. H. Wright rendering dissenting Opinion

Atlantic and Pacific Rail Road Company
Plaintiff and Appellant
vs.
J. T. Lesueur as Treasurer and Ex officio Tax Collector of the County of Apache in the Territory of Arizona
Defendant & Appellee

The motion for a re-hearing of this case having been argued, submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, it is ordered by the Court that the motion be denied. And as to the rights of the Appellee and of the Appellants and their sureties upon the appeal bond set forth in the Transcript and filed in the District Court on the day of 1887, it is ordered, adjudged, and decreed that all the rights of all the parties be, and they are hereby reserved and no judgment is now rendered thereon, but the appellee J. T. Lesueur, or his successor in office has leave upon the failure of Appellant to perfect his appeal to the United States Supreme Court or upon the disposition of said appeal by the United States Supreme Court to renew his application for judgment upon said Appeal Bond against the principal and sureties in the same Manner and with like effect as if said Matter was now and here submitted and finally adjudicated.

Territory of Arizona
Plff and Appellee
vs.
Francisco Baca
Dft. and Appellant

By consent of the parties hereto, it is ordered by the Court that this Cause be continued to the adjourned term of this Court to be held at Prescott on the 3rd Monday of June Next.

James Brash
Plff & Respt.
vs
Nicholas White
Defendant

and entered dismissing the appeal in this cause and affirming the Judgment of the lower Court, Now on this day on motion of Appellants Counsel, and stipulation of the parties hereto, it is ordered by the Court that the order heretofore made dismissing the appeal and affirming the Judgment of the lower Court be, and the same hereby is set aside and annulled, and that appellant have leave to file transcript and briefs herein.

Territory of Arizona
Respt
vs
The Persons Associations
Corporations, Firms, and Companies
and Real Estate, Land and Property
described in the Delinquent List
of Apache County for the Year 1887
Appeal of A & P. R. R Co from
Apache County.

Argument in this cause was resumed by Wm C. Hazledine Esq. followed by Harris Baldwin Esq. and further argument continued until tomorrow Friday 14th at 9 o'clock AM.

Territory of Arizona
Appellee
vs.
The Persons Real Estate, Land,
and property described in the
Delinquent List of the County
of Mohave Territory of Arizona
for the year 1887.
Appeal of A & P. R.R. Co.
from Mohave County.

This Cause Coming on to be heard was argued to the Court by Wm C. Hazledine Esq. Atty for Appellant followed by Harris Baldwin Esq of Counsel for Appellee, and further argument Continued until tomorrow Friday 14th at 9 o'clock A.M.

Territory of Arizona
Plff and Appelle
vs.
The Persons Firms Associations
Companies Real Estate Land and
Property described in the Delinquent
List of the County of Yavapai
for the Year 1887.
A & P. R.R Co.
Appellant

This cause coming on for hearing was argued to the Court by Wm. C. Hazledine Esq. Atty for Appellant followed by Harris Baldwin Esq of Counsel for appellee and further argument of Cause Continued until tomorrow Feby 14th at 9 oclock Ass.

Court adjourned until tomorrow February 14th 1889 at 9 oclock Ass.

Court met Thursday February 14th 1889. at 9 Oclock A.M. pursuant to adjournment
Present. Hon James H. Wright. Chief Justice
Hon. Wm. H. Barnes Associate Justice
Hon Wm. F. Porter Associate Justice.
U.S. Attorney. Atty Genl. W.K. Meade
U.S. Marshal Clerk by Deputy. and Crier.

F. C. Hatch
Plff & Appellant
vs,
J. L. Gant.
Deft and Appellee

The Motion of Appellee to dismiss the appeal in this Case, and the answer of Appellant opposing the motion, having been duly Considered by the Court, for good Cause shown it is ordered by the Court that appellant have ten days from this date to file transcript and briefs and Cause submitted on briefs

James Reilly
Plff and Appellee
vs.
W. G. Crowley Auditor and
Ex Officio Recorder of the City of
Tombstone
Dft and Appellant

The motion of Appellee to dismiss the appeal in this Case, and the argument of Appellant opposing said Motion, having been duly considered by the Court for good cause shown. it is ordered by the Court that the Motion of Appellee be denied.

Territory of Arizona
Respt
vs.
The persons, Associations
Corporations, Firms and Companies
and Real Estate, Land and
property described in the
Delinquent List of Apache
County for the Year 1887.
A and P. R. R. Co.
Appellant

Argument of this Case was resumed by Harris Baldwin Esq. Counsel for Appellee followed by E. M. Sanford Esq. of Counsel for Appellant and Atty Genl. John Rush for appellee. The Case having been fully argued by Counsel was submitted.

Territory of Arizona
Appellee
vs.
The Persons, Real Estate Land
and property described in the
Delinquent List of the County
of Mohave, Territory of Arizona
for the year 1887.
A & P. R. R. Co.
Appellant.

Argument of this Case
was resumed by Harris Baldwin Esq. Counsel for Appellee
E. M. Sanford Esq. Counsel for Appellant and Atty Genl John
[illegible] by Counsel

is submitted

Territory of Arizona
Plff and Appellee
vs.
The Various Firms, Associations
Companies, Real Estate, Land and
Property described in the Delinquent
List of the County of Yavapai
for the Year 1887.
A & P. R.R. Co.
Appellant.

Argument of this Case was resumed by Harris Baldwin Esq. of Counsel for Appellee, E.M. Sanford Esq. Counsel for Appellant, and Atty. Genl. John Rush for appellee. and the Cause having been fully argued by Counsel is submitted.

John Clark
Plff and Apptee
vs
J.S. Daggs
Dft and Appellant.

The motion of Appellee to dismiss the appeal in this Case, having been duly Considered by the Court. for good cause shown it is ordered that the motion be denied.

On motion of Appellant it is ordered by the Court that this cause be placed upon the Calendar, and that Appellant have until on or before the first day of May next. to file transcript and briefs herein, and Cause Continued to the adjourned term at Prescott on the 3rd Monday of June 1889.

Emma P. Rider
Plff and Apptt
vs.
Charles H Zeach and
C.C. Copeland
Defts and Apptees

On motion of Judge Herndon
Jno Goodrich Esq. was entered as Attorney for Apptees
And this Cause C[illegible]

Court by Judge Haynes for appellant, followed by Ben Goodrich Esq. and Judge Herring for appellees and argument closed by Judge Haynes. And the cause having been fully argued is submitted.
On Motion Appellant was granted fifteen days in which to prepare and file briefs to be confined to subject as stated by Counsel.

The Atlantic and Pacific
Rail Road Company
Pltff and Appellant
vs.
J. T. Lesueur, as Treasurer
and ex officio Tax Collector of
the County of Apache in the
Territory of Arizona,
Defendant and Appellee

Comes now this cause on for decision upon the Motion for a rehearing, and respective parties being present by Counsel, and the Court having fully considered the premises, does deny the petition of Appellant for a rehearing, to which ruling the appellant excepts and thereupon Comes now this Cause on for Judgment and Comes the respective parties by their Counsel. and the Court being sufficiently advised as to all matters and things involved in the appeal herein, doth order, adjudge and decree that the Judgment of the Court below dismissing the Complaint herein and dissolving the temporary restraining order and injunction, be and the same is hereby affirmed and that the appellee recover his costs herein from the Atlantic and Pacific Railroad Company, Appellant, to be taxed by the Clerk, but not upon the Appeal Bond herein. It is with the Consent of the respective parties herein further ordered adjudged and decreed that all rights of the appellee for a judgment upon the appeal bond herein be and the same are hereby reserved, and no Judgment is rendered upon the appeal bond herein. However the appellee J. T. Lesueur or his successors in Office has leave upon the failure of the appellant to perfect its appeal to the United States Supreme Court or upon the failure to prosecute said Appeal to effect and to a mandate in the Supreme Court of the United

herein upon the supersedeas bond to this Court in the same manner, and with like effect as if the same were now made, submitted and finally adjudicated.

And now the Court settles, allows, signs and files its findings of fact herein and orders the same to be made a part of the record herein, which is accordingly done.

Atlantic and Pacific Rail Road Company
Pltff and appellant
vs
J. T. Lesueur, as Treasurer and Ex Officio Tax Collector of the County of Apache in the Territory of Arizona
Deft and appellee

In this cause, the Plaintiff and Defendant being present by Counsel, it is ordered that the above named Plaintiff, the Atlantic and Pacific Railroad Company be and it is hereby allowed an appeal from this Court to the Supreme Court of the United States from the Judgment heretofore by this Court rendered in the above entitled action in favor of said defendant and against said Plaintiff

It is further ordered that the Penalty of the supersedeas bond herein be and the same is hereby fixed at the sum of Twenty Thousand dollars: That upon the execution and filing of said bond within thirty days from the rendition of said Judgment, with sureties to be approved by the Honorable Chief Justice of this Court, or one of the Associate Justices thereof in case of his absence from the seat of Government, and upon the plaintiff otherwise complying with the requirements of the Statutes in such case made and provided relating to Appeals from this Court to the Supreme Court, then and thereupon the defendant and his successors in office be and he and they are hereby restrained from collecting or enforcing or attempting to collect or enforce the Tax and taxes sought to be restrained in this action, Also all further Proceedings upon the Judgment of this Court shall be stayed until the further order of the Supreme Court of the United States in that behalf; And until the expiration of said 20 days a stay of Proceedings is hereby granted and temporary order of injunction herein is until continued in full

Ordered that responsible sureties not residents of the Territory of Arizona, and acceptable to the Judge approving said bond shall be received and accepted.

Court adjourned until tomorrow February 15th 1889 at 9 oclock a. m.

Court met Friday February 15th 1889. at 9 oclock A. M. pursuant to adjournment

Present Hon. James H. Wright Chief Justice
Hon Wm. F. Barnes Associate Justice
Hon Wm. H. Porter Associate Justice
U.S. Attorney. U.S. Marshal. Clerk
by Dpty. and Crier.

Geo. F. Martin
Plff
vs
Wells Fargo & Co.
Dfft

This cause having heretofore been argued. submitted, and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises, Doth ordered that the Judgment of the lower Court be and the same hereby is affirmed.

Opinion rendered by Wm. H. Porter Associate Justice Jas. H. Wright Chief Justice and Wm. F. Barnes Associate Justice Concurring.

Territory of Arizona
Plff & Appellee
vs.
Edward M. Dooley
Dfft & Appellant.

Ordered by the Court that this Cause be submitted, on the Manuscript and Brief of Appellant, and that Appellee have ten days to reply to Appellants brief.

The United States of America
Plff and Appellee

vs

One hundred and fifty head of
Cattle and fifty two Calves
Defts and Appellants

This cause coming on for hearing was argued to the Court by O. T. Rouse United States Attorney, for Appellee and submitted.
On Motion Appellee was allowed 20 days in which to file briefs.

The Santa Rita Land and
Mining Co.
Plff and Applt

vs.

F. Lillie Mercer
Deft and Applee

This cause coming on for hearing was argued to the Court by Judge John Hayner attorney for Appellant, and submitted.

W. G. Samaniego
Plff and Appellee

vs.

F. L. Stiles Assignee Etc.
Deft and Appellant

On suggestion of Counsel the Minute entry in this cause heretofore entered at this term, is hereby vacated and set aside, and now at this day it is by the Court ordered that the Judgment appealed from be and the same is hereby modified and corrected by striking out the name of F. A. Pritle, as to whom said cause was dismissed in the Court below before Judgment and that as so modified and corrected, the said Judgment and decree be affirmed.

Geraldo Bonellas
Plff

vs

D. Noonan Et ux
Deft

and the Certificate of the Clerk of the District Court of Maricopa County with a copy of the appeal bond, It is ordered that the Judgment of the said District Court in the above entitled Cause be and the same is hereby affirmed against the appellant and the sureties on the appeal bond J.B. Mullen and John G.T. Smith, at the cost of said appellant and sureties, for which let Execution issue

P.H. Strahan
Pff and appellee
vs
J.B. Kilpatick
Deft and Applt

This Cause coming on for hearing upon the motion for a rehearing herein, the respective parties present by Counsel, and the Court having Considered the same and being fully advised in the premises. It is ordered that the Motion for rehearing be and the same is hereby denied.

C.S. Putnam and
M.E. Putnam
Pltffs and Applts
vs.
Michael Kennedy
Deft and Applt

On motion of Counsel for Appellee and the Certificate of the Clerk of the District Court of Pinal County, with a copy of the appeal bond, it is ordered that the Judgment of the said District Court in the above entitled Cause be and the same is hereby affirmed against the appellant and the sureties on the Appeal bond Jose M. Ortiz and Fernando Maldonado at the Cost of said appellant and sureties for which let Execution issue

Patrick Sandbrick and
Charles Nagle administrator of
Timothy Monaghan deceased
Pltffs and Applees
vs.
James W. Simms
Deft and Appellant

On motion of Counsel

for appeal and the Certificate of the Clerk of the District Court of Maricopa County with a copy of the appeal bond &c. &c. It is Ordered that the Judgment of the said District Court in the above entitled cause be and the same is hereby affirmed against the appellant and the sureties on the appeal bond Geo T. Brown Wm Christy and J. H. Evans at the Cost of said appellant and sureties for which let execution issue

The Singer Manufacturing Company, (a Corporation,
Plff and Appt
vs
Charles H. Dillman and
Thomas D. Heeden
Defts and Appts.

This cause coming on for hearing was argued to the Court by Joseph Campbell Esq. of Counsel for Appellant, followed by H. H. Conyers Esq of Counsel for Appellees and Closed by Jos Campbell Esq for Appellant. And the Cause having been fully argued is submitted

Washington M. Jacobs
vs.
J. M. Kemp et al

On motion of Judge Orme Haynes, it is ordered by the Court that respondent have thirty (30) days in which to file his petition for a re-hearing of this cause, to be filed as Nunc pro tunc and that Remittitur be stayed, until the decision of the Court on rehearing. and Cause Continued to the Adjourned term at Prescott

Isaac D. Hand
Deft and Respt
vs
William M. Ruff
Plff and Appt

This cause coming for hearing was submitted

of Counsel for Appellant. followed by C. de. Butler and Joseph Campbell Esqrs Attorneys for Appellee and closed by Ben Sandrich Esq. Atty for Appellant. and having been fully argued the case was submitted.
On motion it is ordered that Appellant have ten (10) days in which to file briefs. and Appellee have ten days thereafter in which to reply.

Court adjourned until tomorrow 16th 1889 at 10 oclock am.

Court met Saturday February 16th 1889. at ten Oclock A.M. Pursuant to adjournment
Present Hon Wm H. Bance Associate Justice
Hon Wm H. Potter Associate Justice
Owen T. Rouse U.S. Atty. H. K. Meade U.S. Marshal Absent by Deputy. and Clerk.

Gerardo Bonelas
Ptff and Appellee
vs
Daniel Norman and wife
Defts and Appellants

On motion of P. S. Perky Esq. Attorney for Appellee it is ordered by the Court that the order affirming Judgment of lower Court be amended to read as follows to wit- Ordered that the Judgment of the District Court in the above entitled Cause be and the same is hereby affirmed against the appellant and the sureties on the appeal bond J. B. Mullen and John J. B. Smith for the amount of the debt and five per cent. damages and costs. and hereof Ex execution issue

The United States of America
Ptff and Appellee
vs.
Captain Race

Ordered by the Court that this case be submitted on briefs to be hereafter filed Appellant

Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

United States of America
Pltff and appellee
vs
Gon-Shay-ee
Deft and appellant

Ordered by the Court that this case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Pltff and appellee
vs.
Say-es
Defendant and Appellant

Ordered by the Court that this case be submitted on briefs, Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Pltff and appellee
vs.
Wigue-e
Deft and Appellant

Ordered by the Court that this case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Pltff and Appellee
vs.
Wolith-Kah
Deft and appellant

Ordered by the Court that this case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Plff and appellee
vs.
Fil-la Chil-la.
Deft and appellant

Ordered by the Court that this case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Plff and appellee
vs.
Kah-Skin-Kay-goh-loh
Deft and appellant

Ordered by the Court that this case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to reply.

The United States of America
Plff and appellee
vs.
Lah-Cohn
Deft and appellant

Same order

The United States of America
Plff and appellee
vs.
Has-tin-da-to-day
Deft and appellant

Ordered by the Court that this Case be submitted on briefs to be hereafter filed Appellant to have thirty days in which to file briefs and Appellee twenty days thereafter to

The United States of America
Plff and Appellee
vs.
Tzay-Zin-tith.
Deft and Appellant

Ordered by the Court that this

case be submitted on briefs to be hereafter filed. Appellant to have thirty days in which to file briefs and appellee twenty days thereafter to reply.

James Brash
Pltff and Respt
vs
Nicholas White
Deft and Applt

This cause being called for hearing Counsel for respective parties being present by agreement of Counsel it is ordered by the Court that this cause be submitted on briefs, Appellant to have thirty days in which to file additional briefs Appellee twenty days thereafter to file his briefs. and Appellant fifteen days thereafter to reply to Appellee brief

Whereas an account of William Wilkerson Clerk of the Supreme Court of the Territory of Arizona for official services by his Deputy J.E. Walker at adjourned February Term 1889. at Phoenix Arizona from and including the 11th day of February 1889. to and including the 16th day of February 1889, having been submitted to this Court for approval and it appearing to the satisfaction of the Court by the Oath of the said J.E. Walker Deputy Clerk upon said account that the services have been actually and necessarily performed as stated, and that for the days for which per diems are charged, business was actually transacted, It is hereby ordered that the said account amounting to Sixty Dollars and — cts. be and the same is hereby approved

Done in open Court in presence of O.F. Ronce U.S. attorney on this 16th day of February 1889.

Jno H. Porter
Associate Justice
Wm H. Barnes
Asso Justice.

Now now it is ordered by the Court that all Causes, Motions, Matters and things not hereinbefore disposed of at this term of the Court, be and the same are hereby Continued to the adjourned term of this Court to be held at Prescott Arizona Territory on the 3rd Monday of June 1889.

Court adjourned to meet at Prescott on the 3rd Monday of June 1889.

W.H. Porter

Court met at Prescott Arizona Territory on Monday June 17th 1889 at 10 o'clock A.M. Pursuant to adjournment,

Present Hon James H. Wright Chief Justice
Hon Wm H. Barnes associate Justice
Hon Wm H. Porter associate Justice
Nash French, Dept. U.S. Marshal
J. E. Stanton Clerk.

M. J. Hickey was appointed Bailiff pro tem and L. B. Dillon was appointed Bailiff.

244 P. H. Strahan
pltff & appellant
vs
J. R. Kilpatrick
Deft & appellee

This cause coming on for hearing upon the motion for a re-hearing of Decision. The respective parties present by counsel. And the Court having considered the same and being fully advised in the premises, It is ordered that the Motion for a re-hearing of the Decision, be and the same is hereby denied

248 T. H. Johnson
Pltf & appellee
vs
R. E. Morrison
Deft & appellant

This cause coming on for hearing upon the Motion for a re-hearing. The respective parties present by counsel, and the Court having considered the same and being fully advised in the premises, It is ordered that the motion for re-hearing be and the same is hereby denied

251 Territory of Arizona
Appellee
vs
The Persons, associations Corporations, Firms and companies owning Real Estate Lands & Property [illegible] Tax List

This cause coming on for hearing upon the motion for a re-hearing. The respective parties present by counsel, and the Court having considered the same and being fully advised in the premises, it is ordered that the motion for re-hearing, be and the same is hereby denied

252. Ant. McDonald
appellee
vs
Atlantic & Pacific Rail Road Company.
appellant.

This cause coming on for hearing upon the motion for a re-hearing. The respective parties present by counsel, and the Court having considered the same and being fully advised in the premises, it is ordered that the motion for re-hearing be and the same is hereby denied.

235. Washington McCord
Deft. & appellee
vs
J. M. George
Deft. & appellant

This cause coming on for hearing upon the Petition for re-hearing.
The Court having considered the same and being fully advised in the premises, it is ordered that the Petition for re-hearing be and the same is hereby denied.

46 Territory of Arizona
Plff & appellee
vs
Francisco Baeca
Deft. & appellant

This cause coming on regularly to be heard by the Court, which was argued to the Court by respective Counsel, and submitted;

United States of America
Pltff & appellant
vs
Jas L. Tibbals et al
Defts & appellees.

It appearing that the above cause has been appealed from the First Judicial District Court to this court: It is on motion of the United States Attorney, and cause shown: that the appellant have until ten days before the first day of the next Meeting of this court, which to perfect and file transcript herein,

Court adjourned until tomorrow June 18th 1889. at 10. o'clock

Court met Tuesday June 18th 1889, at 10 o'clock a.m. Pursuant to adjournment

Present James A. Wright Chief Justice
" Wm H. Barnes associate Justice
" Wm H. Porter associate Justice
Deputy Marshal. Clerk. Bailiff & Crier

No 269.

John Clark
Pltff & appellee
vs
John F. Doggs- Peru P. Doggs
and Al. Doggs.
Defts & appellants.

The Motion to affirm the Judgment of the lower Court, having been submitted to the Court, and the Court having considered the same and being fully advised in the premises, It is ordered that the Motion be granted, and the Judgment of the lower be and the same is hereby affirmed.

257 Emmett P. Ryland
appellant
vs
Charles H. Leach and
C. C. Copeland appellant.

This cause having been
argued & submitted, and by the Court taken under
advisement, and the Court having fully considered
the same, and being fully advised in the premises.
It is ordered that the Judgment of the District
Court be and the same is affirmed.

Opinion rendered by Hon H. Parker associate Justice
Associate Justice Hon H. Barnes - Chief Justice Jones.
H. Might Concurring.

274 Nat H. Greer Substituted
for J. T. Lesueur Transferee
appellee
vs
Hugo Richards & Ed H. Wells
appellant.

This cause coming on
for hearing, was argued to the Court by William
C. Hoffacker of Counsel for appellant. Appellee
submitted his cause with out argument.
Ordered that appellee have sixty days to file
his briefs, and appellant have ten days after receipt
of appellee brief to file brief in reply.

United States of America,
Pltff & appellee
vs
Little Bob. Lo Wallapai Indian
Deft & appellant

This cause came by agreement submitted
without argument. and it is ordered that
appellee have 30 days to file briefs.

Act. W.C. Dandee
2252. Plaintiff & appellee
vs
Atlantic and Pacific Rail
Road Company.
Defendant & appellant.

This cause having heretofore been fully argued and submitted to the court and the court having fully considered the same & having rendered and entered its opinion herein reversing said the judgment entered therein in the court below, and afterward the motion of a rehearing in said cause having been denied,

Now on motion of Counsel for appellant it is hereby ordered adjudged and decreed that said plaintiff take nothing by said action, and that defendant and appellant do have and recover of and from the said appellee his costs in this action both in this court and in the court below, said costs to be taxed by the clerk of this court and that said appellant may have execution therefor upon applying therefor to the clerk of this court,

2278. T. H. Johnston
Plaintiff & appellee
vs
Robert Emmet Morrison
Deft, now appellant

This cause having heretofore come on for hearing upon the Transcript of record from the District Court of Apache County, and was argued by counsel, and consideration thereof, the court finds that there is error upon the record in the proceedings of the court below, to the prejudice of the appellant Robert E. Morrison

all: It is therefore, considered, ordered and adjudged by this court that the judgment rendered by said reversed and held for naught & the said appellant Robert E. Morrison do recover of said court below be and the same is hereby reversed and a new trial of the cause ordered in the court below and that said appellant recover herein his costs herein to be taxed by the clerk.

The Territory of Arizona
vs
The Persons, Associations, Corporations Firms and Companies, and Real Estate, Lands and Property in the Delinquent List of the County of Apache for the Year 1887. Appellee
Appellant

This cause, coming heretofore come on for hearing upon the Transcript of record in the District Court of Apache County, and was argued by counsel, and on consideration thereof, the Court finds that there is error apparent upon the record in the proceedings of the Court below to the prejudice of the appellant, It is therefore, considered, ordered and adjudged by this Court that the judgment rendered by said Court below be reversed and held for naught, for the reason that the Court in Special term had no jurisdiction thereof.

The Territory of Arizona
vs
The Persons, Firms, Companies Corporations associations and Lands Real Estate and Property described in the Delinquent List of Yavapai County for the Year 1887.

Appeal of the Atlantic and Pacific Rail Road Company

On Motion of Appellant, and by consent of parties, it is ordered that the Motion for re-hearing be and the same is hereby Withdrawn,

Comes now this cause and coming upon a Stipulation of the respective parties for a Judgment herein, and upon the respective parties by their counsel and appearance of the premises, it is with consent of the respective parties, ordered and adjudged that the sum of Seventeen Thousand one hundred three Dollars and eighty Eight cents, ($17103.88.) as portion of the amount of tax, interest penalties, and costs herein, in and the same is hereby ordered and adjudged to be Wholly and finally Vacated, and Set aside and discharged of and from

It is further ordered and adjudged, that the Plaintiff do have and recover of and from the property hereinafter described, being the property of the Atlantic and Pacific Rail Road Company, the sum of twenty two thousand eight hundred twenty six Dollars and forty three cents, ($22826,43), as taxes interest, penalties and costs due and owing property in the county of Yavapai Territory of Arizona for the year 1887.

That it is ordered by the court that the said property to wit: The certain track of the Atlantic and Pacific Rail Road, within the county of Yavapai Territory of Arizona, being one hundred sixty seven and sixteen hundredths miles of said road-together with the road bed, bridges, culverts, rolling stock, depots, buildings, and telegraph lines, and all other property used exclusively in the operation of said railroad, which said rolling stock and implements and buildings are stations formerly belonging to said Atlantic and Pacific Railroad in said county of Yavapai as follows: at Peniscos, one section house and tool house at Canon Diablo, Section and tool house-telegraph office. steam pump and water tank, and watch house, one coal bin, at Walnut, one coal chute, one station house, two small houses at Hagstaff, one section and tool house. steam pump and water-tank. at Chalender- Section and tool house and pump house, at Belmont, Section and tool house. steam pump and water tank. at Williams. Section and tool houses, and eating house, and blacksmith shop- and telegraph house, one car house, one steam pump and water tank, one ice house, one coal bin and chute cottages, at Siglai one steam pump and water tank at Johnsons Canon, one watch house, at Juniper, Section and tool house, two tanks, at Ash Fork. one steam pump, and water tank- freight depot. Section house at Chino, coal chute and bin- at Aubrey, one temporary pump and tank pool furniture, Machinery, Material, tools and store, and many fence offices and living cars, or so much thereof as shall be sufficient to satisfy the amount of taxes interest, penalty and costs, amounting to the sum of twenty two thousand Eight hundred and twenty six dollars and forty three cents ($22826,43) be sold as the law directs,

It is further ordered that Execution be stayed for thirty days from the date

It is further ordered, and adjudged, that in counting to the Judgment, the said railroad company shall not be denied it and does not, waive any right exemption, immunity, privilege, or defense to any suit or action, brought or which may hereafter be commenced, to collect or recover any amount balance, or remainder, which may be claimed to be now due, or which may hereafter be claimed to be due for the taxes for the year 1887, or any subsequent year against the property of the said company in said county or elsewhere

The Directors of the Chisone
Asylum of Augusta
vs
Lewis Hadley, Treasurer
of Augusta.

This cause came on regularly for hearing. The plaintiff present by their counsel Messrs Hernand & Herrmann.
The defendant present by his counsel
This cause was argued to the court by Herrmann for the plaintiff - and Jennings the defendant. The court adjourned until tomorrow Wednesday June 19th 1889 at 10 o'clock A.M.

Court met pursuant to adjournment on Friday June 14th 1889, at 10 o'clock am. pursuant to adjournment

Present. Hon James H. Wright Chief Justice
" Hon Wm H. Barnes associate Justice
" Wm M. Porter associate Justice
Deputy Marshal, Clerk, Bailiff & others

The Directors of the Insane
Asylum of Arizona
vs
Lewis Wolfley Governor
of Arizona.

The hearing of this cause was resumed, and being submitted, and by the Court taken under advisement, and the Court being fully advised in the premises that the same might be argued for rehearing to be filed, hereafter

Whereas, J. E. Walker clerk of the Supreme Court of Arizona Territory has presented to the Court an account of services rendered by him, at and previous to the adjourned June Term A.D. 1889 thereof, and has proved up oath to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated, and it also appearing from the Records that upon the days above enumerated Court was open for business or business was actually transacted and thereon said account appears to be just and according to law.

It is therefore ordered that the said account amounting to the sum of Two Hundred and Nineteen 80/100 Dollars be and the same is hereby approved

Court adjourned Sine Die

J. H. Wright C. J.

Wm M. Porter A J
Wm F. Barnes
A J.

Be it Remembered. That on this the 19th day of August A.D. 1889. Hon. Joseph H. Kibbey associate Justice of the Supreme Court of the Territory of Arizona, presented his Commission as such Associate Justice, and duly qualified by taking the oath of Office. Which said Commission and oath of Office are as follows. to-wit:

Benjamin Harrison.

President of the United States of America.

To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Joseph H. Kibbey, of Arizona, I do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States, and to Have and to Hold the said Office, with all the powers privileges and emoluments to the same of right appertaining unto Him, the said Joseph H. Kibbey, until the end of the next Session of the Senate of the United States, and no longer; subject to the conditions prescribed by Law.

In testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the Department of Justice to be hereunto affixed.

Given under my Hand at the City of Washington the 5th day of August in the year of our Lord one thousand eight hundred and eighty nine, and of the Independence of the United States of America the 114th

Seal of Department of Justice

Benj. Harrison

By the President:

W. H. H. Miller

Attorney General

Oath of Office.

I, Joseph H. Kibbey, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties

of the Supreme Court of the Territory of Arizona
on which I am about to enter. So help me God.

(Signed) Joseph H. Kibbey

Subscribed and Sworn to
before me this 19th day of
August A.D. 1889.

Seal

J. E. Walker.
Clerk Supreme Court

The Supreme Court of the Territory of Arizona met at Phoenix Arizona, on Monday the 13th day of January A.D. 1879. at ten o'clock A.M. Pursuant to law.

Present Hon. James H. Wright Chief Justice
Hon Joseph H. Kibbey Associate Justice
Hon Richard E. Sloan Associate Justice
Calvert Wilson Esq. Asst U.S. attorney
W.K. Meade U.S. Marshal. by deputy.
J.E. Walker Clerk

J.E. Boyd was appointed by the Court as Crier. and H.B. Davenport Bailiff of the Court.

In the Matter of the application of Clarke Howard Esq. to be admitted to practice as an Attorney and Counsellor at Law.

On Motion of Hon. Clark Churchill and satisfactory proof of former admission to practice in the District Court of Maricopa County, Arizona Territory, and evidence of good moral Character, It is ordered that Clarke Howard Esq. be and he is hereby admitted to practice as an Attorney and Counselor at Law, in this and all of the inferior Courts of the Territory of Arizona

In the matter of the Application of A. Buck Esq. to be admitted to practice as an Attorney and Counselor at Law.

On Motion of E.J. Edwards Esq, and satisfactory proof of former admission to practice in the District Court of Maricopa County, Arizona Territory, and evidence of good moral character, It is ordered that A. Buck Esq. be and he is hereby admitted to practice in this and and all of the Inferior Courts of the Territory of Arizona, as an Attorney and Counselor at Law.

In the Matter of the Application of L. H. Hawkins Esq. to be admitted to practice as an Attorney and Counselor at Law.

On motion of N.N. Alexander Esq. on satisfactory proof of former admission

District Court of Maricopa County Arizona Territory and evidence of good moral character, It is ordered that L. H. Hawkins be, and he is hereby admitted to practice as an Attorney and Counselor at Law, in this and all of the inferior Courts of the Territory of Arizona

In the Matter of the Application of Jesse B. Woodward to be admitted to practice as an attorney and Counselor at Law.

On motion of L. H. Chalmers Esq. and satisfactory proof of former admission to practice in the District Court of Maricopa County, Arizona Territory, and evidence of good moral Character, It is ordered that Jesse B. Woodward Esq. be and he is hereby admitted to practice as an attorney and Counselor at Law, in this, and all of the inferior Courts of the Territory of Arizona.

Comes now Clark Churchill and moves the Court that his appearance as the Attorney General of the Territory of Arizona be entered for and in behalf of the Territory of Arizona in the following entitled causes, to wit:

Territory of Arizona
vs.
James Brash } No. 59.

Territory of Arizona
vs.
The Jurors etc. Composing the delinquent list of Mohave Co. 1887. } No. 250.

Territory of Arizona
vs
The Jurors etc. Composing the delinquent list of Mohave Co. 1888 } No 276.

Territory of Arizona
vs.
The persons etc, composing the delinquent list of Apache Co. 1888. } No. 282.

Territory of Arizona
vs.
The persons etc. composing the delinquent list of Gila Co. 1888 } No 285.

Territory of Arizona
vs.
A Leonard Meyer; }

Which said motion was submitted, and the Court after due consideration thereof orders that the appearance of Clark Churchill be entered for and in behalf of the Territory of Arizona in the above entitled causes as Attorney General "De Facto", and that the said Clark Churchill be and he is hereby recognized by this Court as Attorney General, de facto, of the Territory of Arizona until the further order of the Court.

Comes now Henry N. Alexander, and moves the Court that his appearance as attorney General of the Territory of Arizona be entered for and in behalf of the Territory of Arizona, in the following entitled causes to wit:

Territory of Arizona.
vs } No. 59.
James Brady

Territory of Arizona.
vs
The persons etc. composing the delinquent List of Mohave Co. 1887. } No. 250.

Territory of Arizona
vs.
The Jurors etc. composing
the delinquent list of
Mohave Co. 1888.

No. 276.

Territory of Arizona
vs.
The Jurors etc Composing
the delinquent-list of
Apache Co. 1888

No 282.

Territory of Arizona
vs.
The Jurors etc. Composing
the delinquent list of
Gila Co. 1888

No 285

Territory of Arizona
vs.
A Leonard Wagner;

Which said motion was submitted.
and the Court having duly considered the same, orders
that the motion be denied; upon the further order of the Court.

Territory of Arizona
vs.
Francisco Baca

It appearing to the Court, that the
defendant Francisco Baca, has been pardoned;
It is Ordered, that this Cause be discontinued.

The United States of America
vs.
Little Bob. (a Wallapai
Indian,
Appellant

Appellee

Ordered that this Cause
be dismissed

Order.

It is ordered by the Court that Hon. William H. Barnes and Hon. William H. Porter be, and they are hereby admitted to practice in this and all the Courts of the Territory of Arizona

The Civil Calendar was called and the following proceedings had thereunder. Viz:

228. Frank Ely
Appellant
vs.
The New Mexico and
Arizona Rail Road Company
Appellee

On Motion of S. M. Franklin Esq. attorney for Frank Ely Appellant, and in accordance with the Judgment and Mandate of the Supreme Court of the United States, the Judgment of this Court in the above entitled cause affirming the Judgment of the lower Court, is vacated and set aside, and the Judgment of the lower Court sustaining the demurrer to the Complaint is overruled: It is further ordered that said cause be remanded to the District Court of the 1st Judicial District of the Territory of Arizona in and for Pima County, with directions to overrule the demurrer, and with leave to defendant to answer, and that appellant Frank Ely do have and recover his costs against appellee

250 Territory of Arizona
Appellee
vs.
The Persons, Real Estate
Land and Property descri-
bed in the Delinquent List of
the County of Mohave, for
the Year 1887. - Appellee
Appeal of A. & P. R. R. Co. from
Mohave County.

Petition to set aside order overruling Motion for rehearing, set for hearing tomorrow Jany 14th at ten oclock a. m.

256 The Santa Rita Land and Mining Company
appellant
vs.
T. Lillie Mercer
appellee

On motion of John Haynes Esq. of Counsel for appellant, the order of submission of this Cause heretofore made was set aside, and case set for reargument on Tuesday January 14th 1890 at 2 o'clock P.M.

260 Henry W. Smith et al.
Appellants
vs.
O. Blackmore
Appellee

On motion of Ben Goodrich Esq. Attorney for appellants, the order heretofore made for the submission of this Cause was set aside; Case to be resubmitted.

262 Isaac B. Hand
Appellee
vs.
Wm M. Ruff
Appellant

On motion of Baker & Campbell attorneys for appellees, the order heretofore made for the submission of this Cause was set aside; Cause to be reargued.

263 The United States of America
Appellee
vs.
Fordyce Roper, and the Mountain Maid Mining Company, a Corporation.
Appellants

On motion of Geo. G. Berry attorney for appellants, ordered that this Cause be Continued to the adjourned term to be held at Tucson.

264 James Brash
Appellee
vs.
Nicholas White
Appellant

On motion of Joseph Campbell Esq atty for Appellee, the order heretofore made for the submission of this cause was set aside; Cause to be resubmitted on briefs

269 John L Clark
Appellee
vs.
John F. Daggs, Peru Daggs and Al Daggs
Appellants

Ordered that this cause be continued to the adjourned Term. to be held at Prescott

275 United States of America
Appellant
vs.
Van L. Tidball, James H. Soule, John M. Handy, Charles R. Drake, Jacob D. Mansfield Henry Buchman, William M. Davis and Alfred D. Otis.
Appellees

Ordered that this cause be continued to the adjourned Term of this Court to be held at Prescott

279 The History Company a Corporation organized and existing under the Laws of the State of California
Appellant
vs.
J. H. Daugherty
Appellee

Ordered that this cause Continued to the adjourned Term of this Court at

280 Thomas D. Satterwhite
Appellant
vs.
William Meezer, and
Francisco G. Hermosillo
Appellees

This Cause coming on for hearing was argued by the Court by Judge Maxwell for the appellant and Frank Hereford Esq. for Appellees, and being fully argued, was submitted.

281 George S. Martin and
N. D. Underwood, Assignee
Appellants
vs.
Wells Fargo & Co. Express
Appellee

Diminution of the record suggested and Cause Continued to the adjourned term of this Court to be held at Tucson.

282 Territory of Arizona
Appellee
vs.
The Persons, Associations, Corporations, Firms, Companies and Real Estate, Lands and Property described in the Delinquent List of the County of Apache for the Year 1888.— Appellants.
Appeal of A. & P. R.R. Co.

On motion of Wm. C. Hazlewood Ordered that Appellant have all of tomorrow Jany 14th, in which to file briefs.

283 Samuel C. Rees
Appellant
vs.
William R. Rhodes
Appellee

Ordered that this Cause be Continued to the adjourned Term of this Court to be held at Prescott.

The Albuquerque National Bank a Corporation
Appellee
vs.
284 W. G. Stewart B. S. Clark
W. M. Fain, Thomas McMillan
and A. Doyle,
Appellants

Ordered that this cause be continued to the adjourned Term of this Court to be held at Prescott

F. K. Miller
Appellee
vs.
288 A. A. Green
Appellant

By agreement, Cause submitted on Briefs to be filed in 30 days

Territory of Arizona
Appellee
vs.
59 James Brash
Appellant

This Cause coming on for hearing was argued to the Court by Joseph Campbell Esq. for the Appellant, and Hon. Clark Churchill, Atty Genl. de facto for Appellee, and being fully argued was submitted.

Regular Term

Phoenix A.T. January 14th 1890

At ten oclock A.M. of this day Court met pursuant to adjournment.

Present. Hon. James K. Wright Chief Justice
Hon Joseph H. Kibby Associate Justice
Hon Richard E. Sloan Associate Justice
Calvert Wilson Esq. Asst. U.S. Attorney
U.S. Marshal by Deputy. A. Newstatter
J. E. Hawkes Clerk
Sheriff and Bailiff

Territory of Arizona
Appellee
vs.
No. 60. Manuel Verdugo
Appellant

By agreement, Ordered that this Cause be submitted on Briefs. The Appellant to have ten days from this date in which to file briefs, and the Appellee to have ten (10) days thereafter to reply.

In the Matter of the Application
of Harry V. Jackson
to be admitted to practice as
an attorney and Counsellor at Law.

On Motion of J.H. Ouray Esq and satisfactory proof of a former admission to practice in the Supreme Court of the State of Michigan, and Evidence of Good Moral Character, It is Ordered that Harry V. Jackson be, and he is Hereby admitted to practice as an Attorney and Counsellor at Law in this and all of the Inferior Courts of the Territory of Arizona

Territory of Arizona
Appellee
250 vs.
The Persons, Real Estate, Land and Property described in the Delinquent List of the County of Mohave, Territory of Arizona for the Year 1887.
Ap't-Cal. A. & S. R.R. Co

This Cause coming on for hearing upon the Petition of Appellant to set aside order denying appellants motion for a rehearing, was argued to the Court by Wm. C. Hazledine Counsel for appellant

Nat W. Greer, substituted for
J.P. Lesueur, Treasurer and
ex officio Collector of the County
of Apache Territory of Arizona
Appellee

274 vs.

Hugo Richards and Ed W.
Wells - Appellants
Appeal of A.T. & S.F. R.R. Co.

Order of submission set aside, and Cause continued to the adjourned Term to be held at Prescott

William Keyser
Appellee

293 vs.

George E. Shute et al.
Appellants

Ordered, that this cause be continued to the adjourned Term of this Court to be held at Tucson.

John Hill, Alb. Wild,
et al. - Appellees

294 vs.

N. Mc. Herrick, Peter Crane
et al. Appellants

Ordered that this Cause be continued to the adjourned Term of this Court to be held at Tucson

Henry T. Baldridge
Appellant

295 vs.

James Reilly
Appellee

Ordered that this Cau
continued to the adjourned Term to be held at Tucson

Territory of Arizona
Appellee

No. 61.

vs.

A Leonard Meyer
Appellant

On motion of E. J. Edwards Esq Atty for Appellant it is ordered by the Court that this case be placed upon the Calendar.

M. M. Jacobs

vs

J. M. Georgeat-als.

In this Cause it is ordered that an appeal to the Supreme Court of the United States be allowed, upon Plaintiff Jacobs, entering into bond according to law in the in the penal Sum of One Thousand dollars. Security, by Consent, to be approved by the Clerk of this Court

The Santa Rita Land and Mining Company
Appellant

256

vs

T. Lillie Mercer
Appellee

This Cause coming on for hearing was argued to the Court by John Haynes Esq Attorney for Appellant, and further Argument of this Cause Continued until to morrow Morning at ten Oclock

Ex-parte, E. E. Kirby.
Petition for a writ of
Habeas Corpus.

A writ of Habeas Corpus having been issued out of, and under the Seal of this Court, directed to W. F. Gray Sheriff of Maricopa County, Arizona Territory, commanding him to have the body of E. E. Kirby by him imprisoned and detained, together with the cause of his detention, before this Court, in order that this Court may determine what shall now be done with the said E. E. Kirby.

By the writ it is also ordered that the said E. E. Kirby be admitted to

produced in Court the body of the said E. E. Kirby, together with the cause of his detention, and the Matter having been presented to, and duly considered by the Court, and the Court being fully advised in the premises Orders that the Petition of the said E. E. Kirby be granted. and that he be discharged from Custody.

Court adjourned until tomorrow morning at ten Oclock

Regular Term
Thursday Jany 15th 1890

At ten Oclock AM. of this day Court met pursuant to adjournment

Present: Hon James H. Wright Chief Justice
Hon Joseph H. Gibbey Asso. Justice
Hon Richard E. Sloan Asso. Justice
Calvert Wilson Esq. Asst U.S. Attorney
U.S. Marshal by Deputy. J. Neustatter
J. E. Walker Clerk
Crier and Bailiff

The Santa Rita Land and Mining Company
Appellant

256 vs.

F. Lillie Mercer
Appellee

Argument of this Cause re-
Continued by Wm M Lovell Esq. Attorney for Appellee
and Closed by John Haynes Esq. Attorney for Appellee
and being fully argued, was submitted,

Henry W. Smith Et al.
Appellants

260 vs.

B. Blackmore
Appellee

This Cause coming on for hearing was argued to the Court by Ben Goodrich Esq attorney for Appellant and Geo G. Berry Esq. for the Appellee, and being fully argued was submitted

Court adjourned until tomorrow morning at ten Oclock

Regular Term
Thursday A.D. January 16th 1890

At ten oclock a.m. of this day Court met pursuant adjournment.

Present: Hon James H. Wright, Chief Justice
Hon Joseph H. Kibbey Asso. Justice
" Richard E. Sloan Asso Justice
Calvert Wilson Esq. Asst U.S. Attorney
U.S. Marshal by Deputy J. Mountcastle
J. E. Hacker Clerk
Crier and Bailiff

Territory of Arizona
Appellee

61 vs.

A Leonard Meyer
Appellant

On Motion of Hon Clark Churchill and for reasons satisfactory to the Court, It is ordered that the said Clark Churchill as Attorney General be excused from appearing in, or prosecuting this Case in this Court, and that Frank Cox Esq. District Attorney of Maricopa County, and Messrs Goodrich and Street as Co. Counsel, be permitted to appear in and prosecute said Cause.

296 John J. F. Smith
Appellee
vs
C. Burton Foster
Appellant

On motion of Joseph Campbell Esq
Ordered that the appellee have leave to file Copy of Appeal Bond
with certificate of Clerk, and motion to dismiss appeal.

291 A. B. Koons et. al.
Appellants
vs.
The Arizona Mining Company
a Corporation, and the Phoenix
Mining Company, a Corporation
Appellees

On motion of E. J. Edwards Esq. and
agreement of Appellees attorney, It is ordered by the Court
that this cause be submitted on briefs, Appellants to serve and
file briefs during this term of the Court, and appellees to have
thirty days thereafter to serve and file briefs.

289 Wm Heckendorf Trustee
for A. Frank & Co. a Corporation.
Appellee
vs,
David Dunham and
Francisca Dunham, his wife
Appellants

This cause Coming on for
hearing upon the Motion to dismiss the appeal, filed herein
was argued to the Court by Francis J. Heney Esq. Atty for appellee
and Judge Maxwell Atty for appellants, and the Court after
due consideration thereof, and being fully advised in the
premises, Orders that said motion be denied.
On Motion of Francis J. Heney Esq leave was granted appellee
until the adjourned Term at Tucson in which to file briefs, and
Cause Continued to the adjourned Term to be held at Tucson

277 Clarinda A. Wakefield
Appellee
vs
The Southern Pacific Company
Appellee

was submitted to the Court on the Transcript and brief of Appellee and the Court having duly considered the same and being fully advised in the premises doth order that judgment be entered herein affirming the Judgment of the lower Court with costs against the appellant and the sureties on the appeal bond. together with ten(10) per cent damages.

Isaac B Hand
Appellee

263 vs.

Wm M. Ruff
Appellant

This cause coming on for hearing was argued to the Court by Ben Goodrich Esq. for appellant and Messrs Baker & Campbell for. Appellee, and being fully argued, was submitted.

The County of Cochise
Appellant

290 vs.

A. J. Ritter, Treasurer and
Ex Officio Tax Collector of
of said County and R. B. Clark et al.
Appellees

Ordered that this Cause be Continued to the adjourned Term to be held at Tucson

Henry S. Bainbridge
Appellant

295 vs.

James Reilly
Appellee

On motion of Ben Goodrich Esq
Ordered that the Appellee have leave to file Motion

John J. P. Smith
Appellee

296 vs.

C Burton Foster
Appellant

On Motion of Hoyt & Campbell

Esq. Attorney for appellee and the Certificate of the Clerk of the District Court of Maricopa County, with a Copy of the appeal bond, It is ordered that the Judgment of the said District Court in the above entitled Cause be and the same is hereby affirmed against the appellant and the sureties on the appeal bond, Ben Goodrich and J. F. Meader, at the cost of said appellant and sureties, for which let execution issue.

Court adjourned until tomorrow morning at ten oclock

Regular Term
Phoenix A.T. January 17th 1890

At ten oclock A.M. of this day Court met pursuant to adjournment.

Present, Hon. James H. Wright Chief Justice.
Hon Joseph H. Kibbey Associate Justice.
Hon Richard E. Sloan Associate Justice.
Calvert Wilson Esq. Asst. U.S. attorney
U.S. Marshal - By Deputy I. Neustatter
J. E. Walker Clerk
Sexier and Bailiff

In the Matter of the Application of Thomas A. Jobs. to be admitted to Practice as an attorney and Counselor at Law.

On Motion of Webster Street Esq. and Presentation of Certificate of former admission to practice from the Supreme Court of the State of Colorado, and satisfactory Evidence of good moral Character, it is ordered by the Court that the said Thomas A Jobs be and he is hereby admitted to Practice as an attorney and Counselor at Law in this and all of the inferior Courts of the Territory of Arizona, and that the Clerk of this Court issue to him the necessary license therefor.

George W. Chesney
Plaintiff

297

vs.

John G. T. Smith
Defendant

Application for a writ of Peremptory Mandamus

Comes now the above named plaintiff by his Attorney C. F. Ainsworth Esq; Hon Clark Churchill Attorney General appearing for the defendant, and by agreement of the parties hereto, it is ordered by the Court that the hearing of this cause on the application for a writ of Peremptory Mandamus be set for Monday January 20th 1890 at ten o'clock A.M.

Lewis Hadley
Appellee

278

vs.

Gila River Irrigation
Company
Appellant

This cause coming on for hearing was argued to the Court by A. O. Alexander Esq. for appellant and Joseph Campbell Esq. for appellee, and being fully argued was submitted.

Territory of Arizona
Appellee

282

vs.

The Persons, Associations, Corporations, Firms, Companies, and Real Estate, Lands and Property described in the Delinquent Roll of the County of Apache for the Year 1888
Appeal of A. T. & S. F. R. R. Co.

Ordered that this Cause be continued to the adjourned Term to be held at Prescott.

Territory of Arizona
Appellant

285

vs.

The Persons, Real Estate, Lands and Property described in the Delinquent Tax List of the County of Gila [illegible] for the Year 1888

This Cause coming on for hearing, Objector L. J. Webster by his Attorneys Baker and Campbell Confessed Error for $86 ~~dlls~~, and the Cause as to Objector E.P. Monroe was by agreement submitted on briefs to be hereafter filed. Appellant to have twenty (20) days in which to file briefs, and Objector E.P. Monroe to have twenty (20) days thereafter to reply.

A. J. Doran, administrator of the Estate of W.A. Robards, deceased - Appellee

287 vs.

John C. Loss

Appellant

On motion of Joseph Campbell Esq., Ordered by the Court that this Cause be continued until the adjourned Term of this Court to be held at Tucson

A.P. Tritjon

Appellee

270 vs.

J.S. Snead

Appellant.

This Cause coming on for hearing was argued to the Court by Sim Goodrich Esq. for appellant and Messrs Edwards and Buck for appellee, and being fully argued, was submitted.

S. D. Putnam

Appellee

271 vs.

C.D. Putnam Defendant, and J.M. Ochoa, J.D. Rittenhouse, Wm Sutherland, J.S. Van Dorn, Fred Hinglman and Horace Mann. Intervenors and Appellants

This Cause Coming on for hearing was argued to the Court by E.J. Edwards Esq. atty. for Appellants, and Baker and Campbell for the Appellee and being fully argued was submitted.
Associate Justice, Richard E. Sloan, being of Counsel did not sit in this Case.

Court adjourned until tomorrow morning at ten Oclo

Regular Term

Phenix A.T. January 18th 1890

At ten o'clock A.M. Court met pursuant to adjournment.

Present: Hon. James H. Wright Chief Justice
Hon Joseph H. Kibbey Associate Justice
Hon Richard E. Sloan Associate Justice
Calvert Wilson Esq. Asst US attorney
Hon Clark Churchill atty Genl de facto
U.S. Marshal. by Deputy. D. Neustadter
J. E. Walker Clerk,
Lewis and Bailey

Lemon & McCabe
Appellees
vs.
Charles Ward administrator
of the Estate of A.A. Ward, deceased,
and J.M. Ward surviving partner
of said deceased.
Appellants

273

On motion of L.H. Chalmers Esq. atty for Appellants, ordered that this cause be passed until Monday January 20th 90.

Territory of Arizona
Appellee
vs.
The Persons, Real Estate, Land
and Property described in the
Delinquent List of the County
of Mohave, Territory of Arizona
for the year 1887, Appellees
Appeal of A.V. Kibbey.

250

Ordered by the Court, that the Hearing of the argument on the Petition to set aside the order denying Appellants Motion for a Rehearing of this Cause, be continued to the adjourned Term of this Court to be held at Prescott.

On Motion of Appellants Counsel. Ordered that all Proceedings in this Cause be stayed, until the further order of this Court.

62

Territory of Arizona
appellee
vs.
Ramon Flores
appellant

On motion of P. S. Pulley Esq. attorney for appellant. ordered that this cause be placed on the Calendar

286

P. M. Hargrave
appellant
vs.
Lon D. Hall et al.
appellees

This cause coming on for hearing was argued to the Court by Messrs Edwards & Buck for appellant, and Messrs Goodrich & Street for appellee. and being fully argued, was submitted.

61

Territory of Arizona
appellee
vs.
A. Leonard Meyer
appellant

This cause coming on for hearing, was argued to the Court by E. J. Edwards Esq of Counsel for appellant, and further argument of the Cause Continued until Monday January 20th 1890 a.m.

269

John Clark
appellee
vs.
John T. Dagge, Peru Dagge and Al. Dagge.
Appellants

Ordered by the Court, that the Order heretofore made continuing this Case to the adjourned to be held at Prescott be, & the same is, revoked. And it is further ordered that the motion for rehearing, be denied.

Court adjourned, until Monday January 20th 1890 at ten oclock a.m.

Regular Term
Phoenix A.T. January 20th 1890

At ten Oclock A.M. of this day. Court met pursuant to adjournment.

Present Hon. James H. Wright Chief Justice
Hon. Joseph H. Kibbey Associate Justice
Hon. Richard E. Sloan Associate Justice
W. K. Meade U.S. Marshal
H. C. Jeffords Esq. U.S. Atty
Clark Churchill Atty Genl.
J. E. Walker Clerk
Crier and Bailiff.

291

A. B. Koons et al
Appellants
vs.
The Arizona Mining Company, a Corporation, and the Phoenix Mining Company, a Corporation,
Appellees

On motion of Joseph Campbell Esq. of Counsel for Appellees it is ordered by the Court that the order of submission of this Cause heretofore made be, and the same is hereby amended, so as to allow Appellees thirty (30) days from the time of service of Appellants abstract in which to file briefs.

61

Territory of Arizona
Appellee
vs.
A. Leonard Meyer.
Appellant

Argument of this Cause to the Court was continued by A. Webster Street, and Ben Goodrich for Appellee, J. McCarver & by A. Berch Esq for Appellant, Frank Lee Asst Atty for appellee and closed by A. F. Ainsworth Esq for Appellant. And the Cause being fully argued was submitted.

In the matter of the admission of Orwin D. Rouse Esq to practice as an Attorney and Counsellor at Law.

On Motion of Ben
~~to such Esq and satisfactory evidence~~ ... Young ...

to practice in the Supreme Court of the State of Missouri, and proof of good moral character, it is ordered by the Court that the said Owen T. Rouse Esq. and he is hereby admitted to practice as an attorney and Counselor at Law in this and all of the inferior Courts of the Territory of Arizona

Court adjourned until tomorrow at 10 oclock AM

Tuesday January 21st 90

At ten oclock A.M. Court met pursuant to adjournment

Present: Hon. James A. Wright Chief Justice
Hon. Joseph H. Kibbey Associate Justice
Hon. Richard E. Sloan Associate Justice
Harry R. Jeffords U.S. Attorney
W. H. Meade U.S. Marshal
J. E. Walker Clerk
Leonard Bailey

Order for Holding adjourned Terms

It is Hereby ordered that an adjourned Term of the Supreme Court of the Territory of Arizona be held at the City of Tucson in said Territory on Monday the 14th day of April 1890; And that an adjourned Term of said Court be held at the City of Prescott in said Territory on Monday, the 5th day of May 1890.

273

Lemon and McCabe,
Appellees
vs.
Charles Ward, Administrator of the Estate of A. A. Ward, deceased, and J. M. Ward, Surviving Partner of said deceased,
Appellant

This cause came on for hearing upon Motion of Appellee to strike out Statement of Facts and on Motion to dismiss

by Counsel. And Cause submitted on briefs: Appellant to have ten days in, which to file briefs, appellee ten days thereafter to file briefs, and appellant 10 days thereafter to reply

298

H. H. Alexander
Appellant
vs.
Clark Churchill
Appellee

Diminution of the record suggested and on Motion of H. B. Lightfoot, Attorney for appellant, Ordered that appellant have leave to supply the record by filing his assignments of Errors and bond on appeal.

62

Territory of Arizona
Appellee
vs.
Ramon Flores.
Appellant

This Cause coming on for hearing, was argued to the Court by R. S. Parker, Esq. atty for appellant, and submitted.

266

James Reilly
Appellee
vs.
M. J. Crowley, Auditor and ex officio Recorder of the City of Tombstone
Appellant

Ordered by the Court that the order of submission of this Cause heretofore made, be set aside, and Cause Continued to the adjourned term to be held at Tucson on the 2nd Monday in April 1870.

276

Territory of Arizona
Appellee
vs.
The Persons, Associations, Corporations and Real Estate, Lands and Property described in the Judgment

List of the County of
Mohave for the year 1888
Appellants
Appeal of A&P. R.R. Co.

Ordered by the Court that this cause be continued to the adjourned Term to be held at Prescott on the first Monday in May 1890

It is ordered that adjourned terms of this Supreme Court be held as follows:

On the 2nd Monday of April 1890
at the City of Tucson.

On the 1st Monday of May 1890
at the City of Prescott.

On the 1st Wednesday of July 1890
at the City of Phoenix.

On the 1st Monday of September 1890
at the City of Phoenix.

On the 1st Monday of November 1890
at the City of Phoenix.

The said terms at Prescott and Tucson to remain respectively in session, until the business then presented shall be disposed of. And said other terms to be in session for the purpose of announcing the opinions of the Court in causes pending, and rendering Judgment thereon; and such other business as the Judges of said Court shall unanimously order to be then considered and determined.

Witness our signatures this 21st January 1890

James H. Wright C.J.
Joseph H. Kibbey A.J.
Richard E. Sloan A.J.

George H. Chaney
Plaintiff
vs.
John J. P. Smith
Defendant

297

This cause coming on to hearing upon the demurrer and stipulation filed herein was argued to the Court by Clark Churchill Journal for Deft, C. F. Ainsworth Esq for Plaintiff by Ben Goodrich Esq. as Amicus Curiae, and being argued was submitted.

60

Territory of Arizona
Appellee
vs.
Manuel Verdugo
Appellant

By agreement of the parties hereto, it is ordered by the Court, that the order heretofore made submitting this cause on briefs be set aside, and that the Appellant have twenty (20) days from this date in which to file briefs, Appellee twenty (20) days thereafter to file its brief, and cause continued to the adjourned term to be held at Tucson for argument.

298

H. N. Alexander
Appellant
vs.
Clark Churchill
Defendant & Appellee

On motion of Appellee
A Bueo Esq. was entered as Counsel for Appellee and this Cause coming on for hearing was argued to the Court by H.N. Alexander Esq. Appellant and A. Bueo Esq for Appellee and submitted;
On motion of Appellants Attorney Ordered that Appellant have ten days to file briefs, Appellee ten days thereafter to file his briefs and Appellant ten days thereafter to reply

292

Wm A. Hancock et al.
Appellants
vs.
Howell Herrick et al
Appellees

By agreement of the parties hereto it is ordered that this Cause be submitted on the briefs now on file herein, and that Appellant have ten days in which to file supplemental briefs, and Appellee ten days thereafter to reply

291

C.B. Koons et al
Appellants
vs
The Arizona Mining Company
a Corporation and the Flowing Mining
Company, a Corporation
Appellees

On motion of A Bueo Esq.
it is ordered that appellant have ten days from and after

the filing of appellees brief in which to reply

Court adjourned until tomorrow at ten oclock am.

Supreme Court of Arizona
It is ordered that this Court take a recess until Thursday Morning Jany 23rd at 10 oclock am.

Richard E. Sloan A.J.
Jos H. Kibbey A.J.

Supreme Court of Arizona
It is ordered that this Court take a recess until Friday Morning Jany. 24th at 10 oclock am.

Richard E. Sloan A.J.
Joseph H. Kibbey A.J.

Supreme Court of Arizona
It is ordered that this Court take a recess until Monday January 27th 1890 at 10 Oclock am.

Richard E. Sloan A.J.
Jos H. Kibbey A.J.

In Vacation
March 24th 1890 -

George H. Cheyney
Plaintiff
vs
John J. T. Smith
Defendant,

Application for writ of Mandamus.

This cause coming before the Court and argued, Submitted, and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises

It is by the Court ordered, that the writ of Mandamus prayed for be Granted,

Opinion rendered by Richard E. Sloan associate Justice, associate Justice Joseph H. Kibbey concurring Chief Justice James R. Wright dissenting -

and pursuance of an order of the Supreme Court at the regular January Term 1890, there of, this Court met and this the 14th day of April 1890 at 10 oclock a.m at Prescott Arizona

Present Hon Joseph H. Kibbey associate Justice
" " " Richard E. Sloan " "
" Harry K. Jeffords U.S Attorney
and Wm Sutter Deputy Marshal
J. E. Harkins Clerk

F. M. Goodwin was appointed & sworn as Crier.
Geo H. H. Lucas was appointed & sworn as Bailiff.

No 260 Territory of Arizona
appellee
vs
Daniel Cravens
appellant On Motion of Attorney General Clark Churchill, ordered that this cause be submitted on briefs, Appellee have 20 days to file briefs.

No 263 United States of America
Pltff & appellee
vs
Frances Rogers and The Stanislaus Placer Mining Company,
Defts & appellants,
On Motion of Harry K. Jeffords U.S Attorney, It is ordered that James Reilly be added as Counsel for appellee in this cause

No 287 A. J. McCraw, Administratrix et al.
vs
John C Lucas
appellees
appellants

On Motion of Joseph Campbell Esq of Counsel for appellant ordered that this cause be submitted on briefs

April 14th 1890

293 William Regan
Pff & appellee
vs
George E. Shute et al
Defts & appellants

On motion of Jno. J. Berry Esq Counsel for appellants, leave granted appellants to file Amendments to Transcript, and on filing Amendments to Transcript, Ordered that the Motion to dismiss appeal be and same is, denied,

294 John Hill A.B. Mills et al
Pff & appellees
vs
H.C. Herrick et al
Defts & Appellants

Ordered that the Motion to dismiss appeal be set for hearing on Tuesday April 15th 1890 at 9 o'clock a.m

266, James Reilly
Pff & appellee
vs
W. J. Crosby et al
Defts & appellants

Ordered that the hearing of this cause be set for Tuesday April 15th 1890 at 10 o'clock am

295 Henry T. Baldridge
appellant
vs
James Reilly
appellee

Ordered that the hearing of this cause be set for Tuesday April 15th 1890 at 10 o'clock am

289 L. Feekenscherf Trustee
etc,
appellee
vs
Darius Denham,
appellant

Ordered that the hearing of this cause be set for 11 o'clock be

April 14th 1890

No 303. George A. Bogan et al
Plff & Appellants
vs
Salvator. Pignataro
Deft & Appellee

Ordered That This Cause be set for hearing on Tuesday April 15th 1890. at 1.30 P.M.

293 William Keyser
vs
George E. Shute et al

Ordered that the hearing of this cause be set for 1.30 o'clock today

281 Jerry T. Worbin et al
Appellants
vs
Wells Fargo. & Co
Express.
Appellee.

Ordered That This Cause be set for hearing at 2.30 o'clock today.

305 Territory of Montana
Plaintiff & Appellants
vs
The Persons. Real Estate Name & Property described in the delinquent List of the County of Yuma for year 1889
Defts, Appellees

Ordered that cause be set for hearing on Wednesday April 16th 1890 at 9 o'clock.

April 14th 1890

No 292. T. J. Bryan
Pltff & Appellant
vs
W. H. Talbot et al
Deft & Appellees.

Rec'd the within Op & #278 60
this May 1st 1890.
Hon Govinick
Atty for pltff

On Motion of H. Strut Esq Counsel for appellant, and in accordance with the Judgment and Mandate of the Supreme Court of the United States the Judgment of this court in the above entitled cause affirming the Judgment of the Lower Court is vacated and set aside and the Judgment of the Lower Court sustaining the demurrer & the Complaint is reversed,

It is further ordered that said cause be remanded to the District Court of the Second Judicial District of the Territory of Montana, in and for Missoula County, with directions to overrule the demurrer, and that appellant, do have and recover his costs against appellee, in the United States Supreme Court to be taxed at $179.50/100 Dollars and his costs in this Court to be taxed at $119.10/100 Dollars—

No 293. William Keyser
vs appellee
George E. Shute et al
appellant

This cause came on regularly for hearing, was argued to the Court by Geo. F. Bixby esq for appellant and Jas A. Andersond Esq. for appellee, and being fully argued, was submitted,

281. George T. Martin and
N. B. Ingalls, assignee
vs appellants
Wells Fargo & Company's
Express, appellee,

This cause came on regularly for hearing, was argued to the Court by Hon. Maxwell Esq for appellant & Harry K. Jeffries Esq for the appellee, and being fully argued, was submitted,

Court adjourned until tomorrow morning at 9 o'clock

Adjourned Term
Tuesday April 15th 1890.

at 9 o'clock a.m of this day Court met pursuant to adjournment

Present Hon Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate Justice
" Harry R. Jeffords U.S Attorney
" A. Nerdlatter Deputy U.S Marshall
J. E. Mathews Clerk, Bailiff & Crier

It is ordered that all motions & causes heretofore set for hearing, are advanced on the Calendars until April 17th 1890

Be it Remembered and this 15th day of April A.D. 1890 Hon Joseph H Kibbey associate Justice of the Supreme Court of the Territory of Arizona presented his commission as such associate Justice, and duly qualified by taking the oath of office, which said Commission and oath of office are as follows, to wit,

Benjamin Harrison,
President of the United States of America,
To all who shall see these Presents Greetings
Know Ye, That reposing special trust and confidence in the Wisdom Uprightness and Learning of Joseph H. Kibbey of Arizona, I have Nominated, and, by and with the advice and consent of the Senate, do appoint him associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the said United States, and to have and to hold the said office with all the powers privileges and emoluments to the same of right appertaining unto him the said Joseph H. Kibbey, for the term of four years from the day of the date hereof- subject to the conditions and provisions prescribed by law.

In testimony whereof, I have caused these Letters to be made Patent and the Seal of the Department of Justice to be hereunto affixed. Given under my hand at the City of [illegible] the 25th day of February in the year of our Lord Eight Hundred and Ninety and of the Independence of the United States of America the [illegible]

Seal

Adjourned Term
Tuesday April 15th 1890

By the President

Benj Harrison

H. H. Miller
Attorney General

Oath of office

I. Joseph H. Kibbey do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic, that I will bear true faith and allegiance to the same that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of associate Justice, of the Supreme Court of the Territory of Arizona. and which I am about to enter. So help me God.

Joseph H. Kibbey

Subscribed and sworn to before me this 15th day of April A.D. 1890

J. E. Hakes
Clerk Supreme Court
Territory of Arizona

306 H. H. Paulin
vs Plaintiff
Thomas Hughes
Territorial Auditor
Defendant,

Comes now the above named Plaintiff, and files his Petition for Mandamus also come defendant by Clark Churchill Attorney General and files his answer,

The said cause then came on regularly to be heard by the Court, the Plaintiff appearing for himself - also Clark Churchill Atty General for the defendant,

The cause was argued to the Court, and submitted,

Adjourned Term
Tuesday April 15 1890.

307 Wm H. Barnes
vs Plaintiff
Thomas Hughes
Territorial Auditor
Defendant

Comes now the above named Plaintiff and files his Petition for Mandamus, also comes defendant by Clark Churchill Attorney General and files his Answer,

The said cause then came on regularly to be heard by the Court, The plaintiff appearing for himself, and Clark Churchill Atty General for the defendant.

The cause was argued to the Court and submitted,

R H. Paul
Appellant
vs
H. B. Cullum
Appellee

Be it remembered that on the 3d day of March 1890. the following Mandate from the Supreme Court of the United States, was filed in this Court as follows viz.

Greeting. Whereas lately in the Supreme Court of the Territory of Augusta before you or some of you, in a cause between R. H. Paul, Appellant, and H.B. Cullum Respondent, Wherein the judgment of the said Supreme Court entered in said cause on the 3d day of March A.D. 1885, in the following words viz.

It is by the Court ordered that the judgment of the Court be affirmed Associate Justice Prince Dissenting, and avers that his dissent be Noted"

Therefore, it is ordered by this Court that the judgment of the Court be affirmed,

Court adjourned until tomorrow morning at 9 o'clock.

Adjourned Term
Wednesday April 16th 1890

at 9 o'clock am of this day Court opened pursuant to adjournment,

Present Hon Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate Justice
" " Harry R. Jeffries U.S. attorney
J. Herndon Deputy Marshal
J. E. Watkins Clerk
Bailiff and Criers.

Court adjourned until Thursday April 17th 1890 at 9 o'clock A.M.

Adjourned Term
Thursday April 17th 1890

at 9 o'clock am of this day duly Court opened pursuant to adjournment

Present Hon. Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate Justice
" " Harry R. Jeffries U.S Attorney
J. Herndon Deputy Marshal
J. [redacted] Watkins Clerk
Bailiff & criers.

No 266. James Reilly
vs
Appellee
W. E. Crawley Auditor ex
Officio Treasurer of the
City of Tombstone
Appellant.

By consent of all parties, ordered that this cause be submitted on briefs,

No 285 Henry T. Balaridge
Appellant
vs
Same

Adjourned Term
Thursday April 17th 1890

Ordered that this cause be submitted on briefs,

No. 289. Wm Zeckendorf - Trustee for
Franks & Co. a Corporation
vs Appellee
Denis Dunham and
Francisco Dunham his wife
Appellants

Ordered that this cause be submitted on briefs

302. Sarah Mauks
vs Appellee
Wm A. Herron et al
Appellant,

Ordered that this cause be submitted on briefs, appellee to have 15 days from date to file brief and appellant to have time to file brief in reply—

280. Thomas D. Satterthite
vs Appellant
William Melezer et al
Appellee

The motion of appellants praying the right to maintain action ~~Ordered that this cause be submitted~~, submitted on briefs,

301 Granville M. Berry and
The County of Monroe
vs Appellants
James C. Freeman agent
of the Treasury of Arizona
Appellee

Ordered that cause be submitted on briefs
& appellants have 20 days to file brief in reply—

George M. Bogan John M.
303. Bogan and Nicks Bros M.M. Bowers
Appellants

vs

Salvador Pozadaca
Appellee

Comes Now Francis J. Heney Amicus Curiae
and suggests to the Court a examination of the
it is ordered

Adjourned Term
Thursday April 17th 1890

Cause submitted and brief and affidavit heard to day to file briefs and appellants have a reasonable time to file brief in reply.

263 United States of America
vs appellee
Forepaugh Ryan and The
Manitou Mica Mining Company
a. corporation.
appellants,

Leave granted appellant to file bond and affidavit. Which was done. and by consent of all parties. cause submitted and briefs. appellant allowed 20 days to file briefs in reply. and leave granted parties to bring up cause during the term.

Court close at recess until 4 o'clock P.M.

at 4 o'clock P.M. Court reassembled pursuant recess

Present Hon James H Wright Chief Justice
" Hon Joseph H Kibbey Associate Justice
" Richard E. Sloan associate "
" Deputy Marshal. Clerk Bailiff & crier.

305 Territory of Arizona
vs
The Persons Real Estate
&c. Pima County.

Cause set for hearing tomorrow
at 1.30 o'clock P.M.

300 Territory of Arizona
vs appellee
The Persons Real Estate
Lands and Property described
in the delinquent list of the
County of Maricopa

Cause submitted on briefs, appellee

Adjourned Term April 14th 1890

299. Sol Loris
vs appellee
Chas T. Haynes Milling
Company et al
appellants

Argument of cause set for hearing
tomorrow at 10 o'clock A.M.

304 N. J. White
vs Appellee
The Springfield Fire and
Marine Insurance Co
Appellant

Cause submitted and briefs.

294. Jethro Hill, A. B. Miles et al
vs Appellee

N. C Herrick. et al
Appellant.

The motion to dismiss appeal set for
hearing at 11 o'clock A.M. tomorrow.

Court adjourned until tomorrow morning at
9 o'clock

Adjourned Terms

Reno, Friday April 18th 1890

at 9 o'clock any of this day Court opened pursuant & adjournment

Present Hon. James A. Wright Chief Justice
" " Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate "
Harry R. Jeffords U.S Attorney
el. Bergevin Deputy Marshal
J. E. Harris Clerk
Bailiff and Crier.

275 United States of America
vs
Jas L. Tidball et al. appellees
Appellants

Ordered that this cause be submitted on briefs, and that appellees have sixty days to file brief.

No 280, Thomas D. Satterthite
appellant
vs
William Velasco, and
Francisco P. Hermosillo
appellees

This cause having heretofore been argued, submitted, and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is ordered, that the Judgment of the Lower Court be and the same is hereby affirmed,

And it is further ordered that appellees recover of the appellants their costs herein.

Opinion rendered by James A. Wright Chief Justice Also by Joseph H. Kibbey associate Justice, Associate Justice, Richard E. Sloan, concurring

Assumption Term, Friday April 18th 1890

262. Isaac B. Hands
appellee
vs
Wm W. Ruff.
appellant

This cause having heretofore been argued & submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is ordered that the appeal be dismissed, for the want of Jurisdiction, and appellee recover his costs herein,

Opinion rendered by Richard E. Sloan associate Justice James M. Wright Chief Justice and Joseph H. Kibby associate Justice concurring

Goodrich & Street Counsel for appellant gave notice in open court that they would move the Court within the time, provided by statute, for a re-hearing of the cause.

271 A. D. Putnam
vs appellee
C. D. Putnam, Defendant and
J. W. Ochoa, J. D. Rottenhouse,
Wm Sutherland, J. S. Van Horn
Fred Wingleman and Horace Wyman
Intervenors & Appellants.

This cause having heretofore been argued & submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is ordered that the appeal be dismissed, and the cause remanded, and appellee recover their costs herein,

Opinion rendered by Joseph H. Kibby associate Justice James M. Wright Chief Justice concurring.

Richard E. Sloan Associate Justice, having been of Counsel in the case took no part in the consideration of this appeal.

Adjourned Term, Friday April 18th 1890

№ 270 A. P. Tarjon
vs Appellee

J. S. Snead
Appellant,

This cause having heretofore been argued, Submitted, and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises, It is ordered that the judgment of the Lower Court be affirmed, and Appellee recover his costs herein,

Opinion rendered by Joseph N. Nibley Associate Justice, James N. Wright Chief Justice. and Richard E Sloan associate Justice, Concurring,

285 Territory of Arizona
Appellant

vs

The Persons, Real Estate Land and Property described in the Delinquent Tax List of the County of Pima Territory of Arizona for the fiscal y'r Jan 1889.
The fiscal y'r J. J. Nebeker Treas. A. P. Wilmore
Appellee

This cause having been argued Submitted, and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is ordered that the Judgment against the Territory in favor of A. P Wilmore, is affirmed, and the Judgment in favor of J. J. Nebeker is reversed with instructions that the Court below enter its Judgment against him for the full amount of Taxes sued for, and the

Opinion rendered by Richard E. Sloan associate Justice Joseph N Nibley associate Justice and James N. Wright Chief Justice Concurring

Adjourned Term. Friday April 18th 1890

278 Lewis Wolfley
vs Appellee
Gila River Aboriginal
Company.
Appellant,

This cause coming on to be further argued
Submitted, and by the Court taken more advisement, and
the the Court being fully considered the same, and being
fully advised in the premises,
It is ordered that the appeal be dismissed.
and the appellee recover his costs herein,

Opinion rendered by Richard E. Sloan associate Justice
Joseph H. Kibbey associate Justice and James H Wright
Chief Justice, Concurring,

No. 256 The Santa Rita Land and
Mining Company,
vs Appellant
T. Lillie Agnew
Appellee -

This cause coming on to be further argued Submitted,
and by the Court taken more advisement, and the Court
fully considered the same, and being fully advised
in the premises,
It is ordered that the Judgment of the
Lower Court be and is hereby affirmed, and
that appellee recover his costs herein.

Opinion Rendered by Joseph H. Kibbey associate Justice -
James H. Wright Chief Justice and Richard E. Sloan associate
Justice Concurring.

294 John Hill. A.B. Hill et al
Appellees
vs
N. C. Herrick Peter Orme
et al.
Appellants

The Motion to dismiss Appeal coming on to be heard
Geo J. Berry Esq appearing for ~~the~~ Appellees
~~Appellants~~

Adjourned Term Friday April 18th 1890

Was argued to the Court by Counsel, and submitted,

296 The County of Cochise
vs Appellant
A. J. Ritter as County Treasurer
and Ex-officio Tax Collector of Said
County and R. B. Clark et al
Appellant,

The motion to dismiss appeal on the ground that
no assignment of Errors had been filed came on to
be heard. W. H. Stillwell, and Clark Churchill Attorney
General appearing for the Appellant & Messrs Safford
and Franklin appearing for Appellees, Said Motion
was argued to the Court by Counsel, and submitted,
and overruled by the Court,

Appellants allowed 20 days to file brief and
Appellee four reasonable time to file brief in reply.

Sol. Lewis
299 vs Appellee
O. T. Hayden a. J. Peluse
and A. C. Webster partners under
the firm name of Chas T. Hayden
Milling Company & A. J. Peluse
Appellants

This cause came on regularly to be heard-
Messrs Goodrich & Street appearing for the Appellant and
O. C. Baker appearing for Appellee,
Said cause was argued to the Court, Submitted, and
by the Court taken under advisement,

305 Territory of Arizona
vs Appellant
The Persons, Real Estate Land
and Property described in the delinquent
List of the County of Pima for Year 1889
Appellees

This Cause came on regularly to be heard
B. H. Stevens Claud Churchill, Erhard Stanford and
Barnes & Martin appeared for the Appellant, and
Hayzell and Satterwhite, C. M. Wright Jno H. Lovell
[illegible]

Adjourned Term Friday, April 18th 1890

appeared for the appellee, Cause was argued to the Court by Wm A. Barnes for appellant & C.N. Wright for the appellee and pending the argument of C.N. Wright Esq Court adjourned until tomorrow Morning at 9 o'clock

Adjourned Term
Saturday, April 19th 1890

at 9 o'clock am of this day Court opened pursuant to adjournment,

Present Hon. James H. Wright Chief Justice
" " Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate Justice
Harry R. Jeffords U.S Attorney,
R. H. Paul, U.S Marshall
J. E. Hawkins Clerk
Bailiff and Crier

Territory of Arizona
vs appellee
60.
A. Leonard Meyers
appellant,

This cause having heretofore been argued, submitted, and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is Ordered that the Judgment and Order overruling the motion for a new trial, in the Lower Court be and the same is hereby affirmed

Opinion rendered by Richard E. Sloan associate Justice, James H. Wright Chief Justice and Joseph H. Kibbey associate Justice, Answering

Adjourned Term 1890
Saturday April 19th 1890

305

Territory of Arizona
vs. Appellant
The Persons, Real estate Land
and Property described in the
delinquent list of the County
of Pima for year 1889,
Appellee,

The Argument of this cause was resumed.
Appellant and Appellee offering by Counsel.
The Argument being finished the cause was
Submitted. Appellant allowed 20 days to file brief
Appellees brief 10 days after the filing of Appellant
brief - to file there brief

In the Matter of the application
of Frederick A. Frier to be admitted
to practice as an Attorney and
Counselor at Law,

On motion of R. D. Ferguson Esq. and
Satisfactory proof of former admission to practice in the
Supreme Court of the State of New Jersey, and
Evidence of of Good Moral Character, it is ordered
that Frederick A. Frier be and he is hereby admitted
to practice in this and all the Inferior Courts of the
Territory of Arizona, as an Attorney and Counselor
at Law,

Whereas, J E Hatton clerk of the Supreme
Court of Arizona Territory, has presented to the Court
and account of Services rendered by him at the
adjourned term held at Tucson Arizona April 19th 1890
Which has been audited by the Satisfaction of the Court
that the Services therein charged for have been
actually and necessarily performed as therein stated,
And it also appearing to the Court from the records
that upon the days above enumerated Court was open
for business or business was actually transacted and
Whereas said account appears to be just and according
to law. It is therefore ordered that the said account
amounting to the Sum of Eighty Seven 50/100 Dollars be
and the same is hereby

Adjourned Term 1890
Saturday April 19th 1890

290 The County of Cochise
vs Appellant
A. J. Ritter Treasurer and
Ex-officio Tax collector of said
County. and R. B. Clark et-al
Appellee

This cause coming on to be heard was argued by the court by M. A. Stilwell. for appellant and Jeffords & Franklin for appellee, Cause being fully argued was submitted,

Be it ordered, that the adjourned term of this Court, heretofore ordered to be held at the City of Prescott on the 1st Monday of May 1890. be and the same is hereby Continued until the 1st Monday in June 1890 at Prescott, A.T.

Jas. H. Wright C. J.
Joseph Kibbey A. J.
Richard E. Sloan A. J.

It is ordered that the Court stand at recess until the 1st Monday in June 1890

Jas. H. Wright C. J.
Joseph Kibbey A. J.
Richard E. Sloan A. J.

Benjamin Harrison
President of the United States of America, To all who
shall these Presents, Greeting,

Know Ye, That reposing special trust and confidence in
the Wisdom, Uprightness and Learning of Henry C. Gooding
of Arizona, I have nominated, and, by and with the advice
and Consent of the Senate, do appoint him Chief Justice of
the Supreme Court of the Territory of Arizona, And do
Authorize and empower him to Execute and fulfil the
duties of that office according to the Constitution and
Laws of the said United States, and to Have and to
Hold the said office, with all the powers privileges and
emoluments to the same of right appertaining unto him, the
said Henry C. Gooding, for the term of four years
from the day of the date hereof, subject to the conditions
and provisions prescribed by Law.

In Testimony whereof, I have caused these Letters
to be made patent and the seal of the Department of Justice
to be hereunto affixed, Given under my hand at
the City of Washington the 26th day of April in the
Year of our Lord one thousand eight hundred and
ninety, and of the Independence of the United States
of America the one hundred and fourteenth
By the President Benj Harrison
Wm H. Taft acting Attorney General

5802.

Territory of Arizona }
County of Yavapai } ss.

I Henry C. Gooding, do solemnly swear that
I will support the Constitution of the United States and the
laws of the Territory of Arizona; that I will bear faith and
allegiance to the same and defend them against all enemies
whatsoever, and that I will faithfully and impartially
discharge the duties of the Office of Chief Justice of
the Supreme Court of the Territory of Arizona
according to the best of my ability, So help me God.
Henry C. Gooding

Subscribed and sworn before me this 7th
day of May 1890
Henry H. Henry
Justice of the Peace

Court met at Prescott A.T. & adjourned this 2nd day of June 1890.

Present Hon H. C. Fencing Chief Justice
" Joseph H. Kibbey associate Justice
Geo. E. Wrum Deputy Marshal
J. E. Walker Clerk.

Eldridge Booth was affirmed & sworn as Court Crier. Wm H. A. Linn was affirmed & sworn as Bailiff

In the matter of the application of William J. Blakely Esq. to be admitted to practice as an attorney and Counsellor at Law,

On Motion of Wm C. Hughaine Esq. and satisfactory proof of former admission & practice in the District Court of Mohave County Arizona Territory, and Examined of Good moral character, it is ordered that William J. Blakely, be and he is hereby admitted to practice as an attorney and Counselor at Law, in this and all of the inferior courts of the Territory of Arizona

No 282 Territory of Arizona
Appellee
vs
The Persons associations corporations
firms companies & etc described in
the Delinquent list of the County
of Apache for the year 1888,
Defendant
Appellant
Orrin Short & Orrin Churchill - Attorney General
be added as of Counsel for the Territory,

283, Samuel C. Kerr
vs Appellant
William N. Rhodes
Appellee

It is ordered that this hearing of argument in this cause be set for be heard at 2 o'clock P.M.

Adjourned Term Sat. June 2nd 1890

285 Samuel C. Rees
appellant
vs
William R. Rhoades
appellee

Upon reading E. M. Sanford Esq of Counsel for appellant Moved the Court for a dismissal of the record upon said Motion, Rule Granted by the Court to cause the dismissal aforesaid to be supplied, which is now done The cause then argued and regularly to be heard by the Court; Messrs Herndon & Horrick & E.M. Sanford appearing for the appellant, and Messrs Botsford & Johnston appearing for the appellee.

Said cause was argued to the Court by Counsel Submitted and by the Court taken under advisement

63- Territory of Arizona
vs Appellee
Joseph H. Jones
Appellant

Ordered that this cause be submitted on briefs now appellee to have 20 days from this date to file briefs in reply-

64 Territory of Arizona
Appellee
vs
William Jones
appellant

Ordered that this cause be submitted on briefs now appellee to have 20 days from this date to file briefs in reply.

Monday June 2nd 1890

284. The Albuquerque National Bank, a Corporation
vs Appellee
N. J. Herrant E. S. Clark
N. M. Fain Thomas F. McMillen
and A. Doyle.

Appellant

Comes the parties by Counsel and the Appellant shows to the Court that the entire record of this case has not been certified and forwarded to this Court and this, that the date of the filing of the Assignment of Errors, are by the Clerk the District Court from which this appeal was taken omitted from the Transcript prepared by him

And as Motion of Appellant leave is now granted Appellant to cause a full and complete Transcript of said proceedings, to be filed in this court, and it is further ordered that the cause be set for hearing at 10 o'clock tomorrow morning.

Court. Stand at recess. until. 9.30 o'clock
Tuesday June 3rd 1890.

Henry L. Waldo J.
Joseph R. Kelly J.
Richard E. Thomas J.

Adjourned Term. Prescott, June 3rd 1890

At. P.30 o'clock, a.m. of this day Court resumes its Session

Present, Hon A. C. Gooding Chief Justice
" Joseph H. Kibbey Associate Justice
Geo. E. Brown Deputy Marshal
J. E. Habbeu Clerk
Orcd Ind Bailiff.

In the Matter of the application of Edward H. Doe. Esq to be admitted to practice as an attorney and Counselor at Law,

On Motion of Harris Baldwin Esq. and satisfactory proof of former admission to practice in the District Court of Yavapai County Arizona, and Evidence of good moral character, it is ordered that Edward H. Doe, be and he is hereby admitted to practice as an attorney and Counselor at Law in this and all of the inferior Courts of the Territory of Arizona

2570. Territory of Arizona
Appellee
vs
The person Real estate named and properly described in the delinquent list of the County of Yavapai for the year 1887.
The Appellant

The Motion to strike Stipulation from the files, set for hearing at 2. o'clock P.M.

2576. Territory of Arizona
Appellee
vs
The Person associations, corporation & etc. described in the delinquent list of the County of Mohave for the year 1888.
Appellant

The Motion to strike Stipulation from the file set for hearing at 2. O'clock P.M.

June 3d 1890 — Cir.

284 The Albuquerque Territorial Board. of Corporation
vs Appellee
D. J. Herrant et al
Appellant,

This cause came on regularly to be heard by the Court, E. M. Doe and Baldwin & Johnson appearing for the appellant, and Herndon & Harkins & Esq. Dougherty for the appellee, cause was argued to the Court by counsel submitted and by the Court taken under advisement,

312 Kansas City Milling and Mining Company,
vs Appellant
James M. Clay —
Appellee.

It is ordered that the hearing of the cause be set for Wednesday June 4th 1890 at 9 o'clock a.m.

251 Territory of Arizona
Appellee
vs
The Persons Real Estate Land and Properly described in the delinquent list of the County of Mohave for year 1887,

The motion being filed to strike from the files the stipulation for Engagement, and Cause and regularly to be heard by the Court, said motion was argued to the Court by Wm. R. Hazlaine Esq for the appellee and Chas Churchill Atty Gen on the part of the Territory, Submitted and by the Court taken under advisement,

Judgment Term June 3d 1890

276

Territory of Arizona
appellee
vs
The Persons Associations
Corporations and Real Estate
Lands and property described
in the Assessment List of
the County of Mohave for year 1888,

The Motion to strike from the files the stipulation for Judgment, coming and regularly to be heard, Wm C. Hazlaine Esq. appearing for appellant and Hon Clark Churchill Atty General for the Territory, same motion was argued & submitted,

314

Charles Jalis
vs appellant
Mary B. Burdan
appellee,

Came into the appellee by L. F. Eggard Esq her attorney and files a certificate of the clerk of the District Court of Yavapai County from which the appeal of the cause was taken attested by the seal of his Court, stating that said appeal was perfected on the 7 day of March 1889. And it appearing that the transcript upon appeal of said cause has not been filed in this Court, and no good cause being shown by the appellant why said transcript has not been filed, it is ordered that the Judgment of the District Court be and the same is hereby affirmed,

And it appearing that said appellant is by reason of said judgment is indebted to appellee in the sum of $15.00 for the value of certain property thereof restitution has not been & cannot be made to appellee and interest thereon being $1.35, and $35.00 damages, and interest thereon being $3.95 and the further sum of $203.35 cost incurred and expended by the appellee in said District Court, and interest thereon being $22.21 making in all the sum of $281.06/100 which is unpaid.

Wherefore it is ordered, adjudged & decreed, that the appellee Mary B. Burdan, do have and recover of the appellant, Charles Jalis and the sureties on the appeal Bruce D. F. Mitchell & Perrin Bean, the sum of ($281.06/100) Two hundred Eighty one 06/100 dollars, and interest from date hereof.

And the further sum of $12.00/100 costs incurred in this Court,

~~Court taken at Recess until tomorrow morning at 9~~

Adjourned Term 1890.

Prescott. June 4th 1890

At 9 Oclock A.M. of this day court convened its session,

Present, Hon. H. G. Trading chief Justice
" Joseph N Bibley associate Justice
" Richard E. Sloan associate Justice.
" George E. Brann Deputy Marshall
J. E. Harkins Clerk
Crier and Bailiff.

312 Kansas City Mining and Milling Company, Appellant
vs
James M. Clay - appellee.

The hearing of this cause came come on regularly & was heard by the Court, Messrs. Herndon & Harkins Wilson & Morris, & Esq. Sanford, appearing for the appellant and E. Burgess, Esq. & Balamio & Johnston, appearing for the appellee, Said cause was argued to the Court, by Wilson for the appellant and E Burgess, and Maurice Balamin for the appellee and hearing the argument of Maurice Balamin the hearing the cause was continued until tomorrow morning at 9 o'clock,

Ben James and Michael
Prasich,

307 vs Appellant and Defendant
Neptune Mining Company
a Corporation and Joel Seymour
Insle Appellee and Plaintiff

A. Wattine having heretofore made in the above entitled cause upon and due to the Attorney of the appellants as appears by the notice of motion and return thereon duly filed in this Court, to dismiss the appeal of appellants in the above entitled cause, and the said motion coming on regularly to be heard before this Court at the term thereof duly held on the 4th day of June A.D. 1890 H. H. Sullivan Esq

Present. Omd 4th 1890

Motion in behalf of Appellees, and William Herring Esq offering of Associate Counsel thereof, and no one offering in opposition thereto, after Argument, being heard upon said motion, and the same having been duly submitted, and the Court being fully advised in the premises, and having fully considered the same.

It is Ordered that the Appeal of the Appellants in the above Entitled action be and the same is dismissed with Costs,

310

Charles Francello Johnston
Appellant & defendant
vs
Neptune Mining Company (a corporation)
and Joel Sayonara, Trustee
Appellee & Plaintiff

A Motion having been duly made in the above Entitled cause, upon due notice to the attorneys of the Appellants as appears by the notice of Motion and return thereon duly filed in this Court, to dismiss the appeal of Appellant in the above entitled cause and the said Motion coming on regularly to be heard before this Court at a Term thereof duly held on the 4th day of June A.D. 1890. H.M. Stillwell Esq. appearing as Attorney for the Motion in behalf of Appellee and William Herring appearing of Associate Counsel thereof, and no one appearing in opposition thereto, after Argument being heard upon said Motion, and the same having been submitted on the Court being fully advised in the premises and having duly considered the same,

It is Ordered that the appeal of the Appellants in the above entitled action, be and the same is hereby dismissed with Costs

Court adjourned at Reno until tomorrow morning at 9 o'clock

Henry C. Brooding, C.J.
Att. H. Kelbury A.J.
Richard E. Sloan A.J.

Adjourned Term at Prescott A.T.
Thursday June 5th 1890

At 9 O'clock a m of this day Court resumed its Session,

Present Hon H.C. Fencing Chief Justice
Hon Joseph H. Kibbey Associate Justice
" Richard E. Sloan Associate Justice
George E Brown Deputy Marshall
J. E. Harken Clerk
Crier and Bailiff

In the Matter of the application
of E.N. French to practice as
an attorney & Counselor at Law,

On motion of Robert Brown Esq - and presentation of a Certificate to practice in practice in the District Court of Yavapai County & Examined of Good Moral character.

It is Ordered that E. N. French. be and he is hereby allowed to practice as an attorney and Counselor and Counselor at Law, in this and all of the inferior Courts of the Territory of Arizona

In the Matter of the application
of Robert E. Morrison to practice as
an attorney and Counselor at Law.

On Motion of E. M. Sanford Esq. and Satisfactory proof of former admission to practice in the District Court of Apache County Arizona, and Examined of Good Moral character, it is Ordered that Robert E. Morrison. be and he is hereby admitted to practice as an attorney and Counselor at Law in this and all of the inferior courts of the Territory of Arizona

In the Matter of the application of Wm L. Van Horn, to practice as Attorney at Law,

On Motion of J. J. Norris Esq and Satisfactory proof of former. to practice in the District Court of Yavapai County Arizona, and Examined of Good Moral character, it is Ordered that Wm L. Van Horn. be and he is hereby admitted to practice as an attorney and Counselor at Law. in this and all of the inferior courts of the Territory of Arizona

Adjourned Term June 5th 1890

The Kansas City Mining and Milling Company
vs
James St. Clay.

312

Appellant
Appellee.

The argument of this cause was resumed by Morris Baldwin and being closed by Esq. Sanford for appellant. Cause was submitted and by the Court Taken under advisement,

Court close at recess until 10 o'clock tomorrow morning.

Henry C. Gooding, C.J.
Joseph A. Kelly C.J.
Richard E. Sloan C.J.

Adjourned Term, at Present
Friday June 6th 1890

At 10. o'clock a.m. of this day Court re-convened

Present Hon. H. C. Gooding Chief Justice
" " Joseph A. Kelly associate Justice
" " Richard E. Sloan " "
George E. Brown Deputy Marshal
J. E. Hasbrouck Clerk
Crier & Bailiff

It is hereby ordered that William McReynolds be allowed the sum of sixteen $^{40}/_{100}$ $16.40 Dollars Expenses of the Supreme Court, & the same are the Territorial Auditor is hereby authorized & directed to issue warrant therefor in favor of said William McReynolds for the following items of Expenditure by him viz—
Charges on Bond & Recognizance $12.40 Expressage of Record & P. $1.50, Cash paid for copies of making Index & Indexing Record

Adjourned Term Prescott June 6th 1890

The Committee appointed by the Supreme Court of to draft suitable resolutions expressive of the feelings of the Court and Bar relative to the passing from this life of the Late the eldest daughter of our respected brother John C Herndon, beg leave to report the following,

Whereas it has pleased the Supreme Judge of the Universe to take from the family of our esteemed brother and friend John C. Herndon a budding rose, that it might mature and bloom in a better Sphere

It is Resolved that with our brother and friend our his family, We deplore the seeming untimely plucking of the perfect bud from its parent Stem, yet rejoicing, with them, in the thought that in that happier life it will bloom the brighter,

Be it further Resolved, that we recommend that these resolutions be spread upon the Annals of this Court and that a true Copy under the hand and seal of the Clerk of this Court be Transmitted by him to our Sorrowing brother

E. M. Sanford
William C. Hagerman
Clark Churchill
Harris Baldwin
J. F. Wilson

290.

The County of Cochise
vs. Appellant
A. J. Ritter Treasurer and
Ex-officio Tax Collector of said
County and R B. Hunt et al
Appellees.

Appellant is granted 30 days further to file brief.

Supreme Term, Record Book 6 pg 1890

274 Nat Dk. Green, (Substituted for J. T. Tessens, Treasurer and ex officio Collector of the County of Apache Territory of Arizona

vs

Appellee

Hugo Richards and Ed Dk. Wells

Appellant,

This cause coming on regularly to be heard by the Court, Wm C. Hoyle and E. N. Sanford Esqrs. appearing for the Appellant and Hon Chas Churchill Attorney General & Hon Wm Barnes Esq. appeared for the Appellee, and said cause was argued, and submitted, and by the Court taken under advisement.

232 H. D. Armstrong

vs Appellant

J. J. Hawkins Territorial Tax Collector

Appellee

Ordered that this cause be submitted on briefs, and 30 days given Appellee to file brief and 20 days there after for Appellant to file briefs in reply.

Whereas J. E. Hawkins Clerk of the Supreme Court of Arizona Territory has presented to the Court an account of services rendered by him at the aforesaid June Term A.D. 1890. Thereof and has proven on oath to the satisfaction of the Court that the services therein for, have been actually and necessarily performed as therein stated, and it also appearing from the record that upon the days therein mentioned Court was opened for business or business was actually transacted, and whereas said account appears to be just and according to Law,

It is therefore ordered that the said account amounting to the sum of Seventy six Dollars be and the same is hereby approved

Afternoon Term Present
Friday June 6th 1890

The resignation of J. E. Stathers as clerk of this Court having been this day announced it is hereby ordered that said resignation be accepted, to take effect upon the Qualification of his successor hereinafter named. It is further ordered that Frank C. Kibbey be and he is hereby appointed clerk of the Supreme Court of the Territory of Arizona vice said J. E. Stathers resigned,

298, H. H. Alexander,
appellant
vs
Clark Churchill,
appellee

The Court sufficiently advised. It is Ord. ordered and adjudged by the Court that the judgment of the District Court of the Second Judicial District, in and for Maricopa County, in the above entitled cause be and the same is hereby, in all things affirmed,

It is further adjudged by the Court that said appellee recover of the appellant his costs by him in and about his suit in this Court laid out and expended,

The Court ordered that a written opinion should subsequently be filed herein.

It is ordered that the clerk of this Court forthwith prepare a seal for said Court, that said seal above ~~described~~, of die and counter die of the same size ~~as that~~ and design as that of the seal now used by him except that instead of the words United States Supreme Court, Arizona, there be the words, Supreme Court of Arizona,

And that when said seal shall ~~have been~~ be prepared it shall thereafter be the seal of this Court,

Adjourned Term Present
June 6th 1890.

279 The Keeley Company
a Corporation et al
vs Appellant
J. M. Dougherty,
Appellee

Ordered that this cause be submitted on briefs, appellant allowed 60 days to file counter briefs.

Ordered the following tax cases Nos 250, 276, 282, be continued for hearing at Phoenix on the 1st Monday in November 1890

Court stands at recess until the 1st Wednesday of July 1890, at 10 o'clock A.M. being July 2nd 1890.

Henry C. Gooding
Chief Justice.

Richard E. Sloan A.J.

Joseph M. Tuthill
Associate.

In pursuance of an order made on
the 22nd day of January 1890. Circuit Court
at 10 o'clock a.m. September 1st 1890.

Present Hon H. C. Gooding Chief Justice
" Hon Joseph A. Kibbey Associate Justice
" " R. E. Sloan " "
" " A. Henrotter Deputy Marshal
" " J. E. Parker Clerk

J. E. Bird was appointed & sworn as Crier
J. M. Chapman was appointed & sworn as Bailiff

On motion of E. J. Edwards, a Committee
of five consisting of E. J. Edwards E. W. Sanford
A. N. Claypool, C. F. Ainsworth & M. A. Mullins
were appointed to draft suitable resolution upon
the death of Mrs Clark Churchill.

In the matter of the application
of Phillis C. Hearn to be
admitted to practice as an
Attorney & Counsellor of Law.

On Motion of Clarke Howard Esq.
and satisfactory proof of former admission to
practice in the District Court of Yavapai County
Arizona Territory, and Encomiums of good moral
character, it is Ordered that Phillis C. Hearn
be and he is hereby admitted to practice in
this and all the inferior Courts of the Territory
of Arizona

308

J. M. Murphey
Pltff & Respellee
vs
H. A. Clark
Deft & Appellant

Cause now this cause coming on to be heard upon
the Motion of the appellant suggesting a diminution
of the record, and it appearing that there are
omissions in the transcript of the record from
proceedings of the Court below as shown in

Phoenix Sept pt 1890

that the clerk of the court from which said transcript comes certify to this court said omissions exist.

The plaintiffs and defendants in person with the name and title of the cause and filing in the court below, The Bill of Exceptions with the title and venue of said cause and the motion for a new trial with the endorsements thereon is contained in the said bill of Exceptions, and the endorsements of plaintiffs attorneys as to the correctness of said Bill of Exceptions, The time when final adjournment of said lower court occurred, the time when the Supersedeas bond was filed, and the assignment of Errors with the title of said cause and the name of said Court thereon endorsed

282 Territory of Arizona
Appellee
vs
The persons, associations
corporations, Firms Companies and
Real Estate Land and property described
in the Delinquent Roll of the County
of Apache for the year 1888,

Now comes the Atlantic and Pacific Rail Road Company by their attorney E. W. Sanford Esq. and files an Order for a Stipulation and Stipulation for Judgement in this action, And thereupon leave was granted Clark Churchill Attorney General to file said Stipulation & strike order for Stipulation and Stipulation from the files, and cause was continued for that purpose, until the further order of this Court

Court stood at recess until tomorrow morning at 10 o'clock.

Henry D. Gooding, C. J.

Joseph Kibbey A. J.

Adjourned Term Phoenix Sept 2nd 1890.

Tuesday September 2nd 1890
at 10 o'clock A.M. Court reconvened

Present Hon. H. C. Fencing Chief Justice
" Joseph H. Kibbey Associate Justice
" Richard E. Sloan Associate Justice
" R. N. Paul Marshal
" J. P. Shaham Clerk
Bailey & Orme
Calvert & Wilson assistant U.S. attorney

299 Sol Lewis.
Plaintiff & appellee
vs
C. J. Hayden et al
Defts & appellants

H. Street Esq counsel for appellants moved the Court to be allowed & argued the cause to the Court. Said motion was taken under advisement by the Court,

For the motion of the application of Abram Humphres to be allowed to practice as an Attorney and Counsellor at Law

And Motion of L. W. Chalmers Esq and satisfactory proof of former admission to practice in the District Court of Maricopa County Arizona Territory, and Evidence of good moral character, etc in behalf that Abram Humphres be and he is hereby allowed to practice in this and all the inferior courts of this Territory of Arizona

298 H. H. Alexander
Appellant
vs
Clark Churchill
Appellee

Plaintiff by his attorney H. B. Lightfoot Esq files notice in open Court of an appeal to the Supreme Court of the United States, and asks that said appeal may be allowed, and the amount of the appeal bond fixed by the Court. Ordered accordingly

Adjourned Term Sept 2nd 1890

To the Supreme Court of Arizona

We, your Committee appointed to draft resolutions expressive of the feelings of the bench and bar upon the demise of Mrs Margretha Churchill wife of Hon Clark Churchill Attorney General, beg leave to report the following:

Whereas it has pleased the Supreme Ruler of the universe to summon to his presence Mrs Margaretha Churchill, beloved companion of our Esteemed brother Clark Churchill,

Resolved, That in her life her strong attachment and love for her husband, her beautiful home and society, her generous aid in assisting the unfortunate and bereaved of far away Youth and her quiet and winning manner brought to her in the field of Worthy Care and fair pathway strewn with fragrant flowers.

Resolved, That in the death of Mrs Margretha Churchill the community lost one of the noblest specimen of Womanhood, the pious generous and loving friend, devoted husband an affectionate wife. Who always labored to make home pleasant and attractive,

Resolved, That we sympathize with and mourn with our brother in this hour of grief, and mourn with him for the loss of his loving companion, and Extend a brotherly condolence while suffering under his sad bereavement,

E. J. Edwards
E. W. Sanford
C. E. Ainsworth
W. H. Wilkins
H. J. Alexander

A. B. Norris et al
vs
The Arizona Mining Company
Phoenix Mining Company, Appellees

291

This cause having heretofore been argued submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises. It is ordered that the Judgment of the Lower Court be and the same

Adjourned Term Sept 2nd 1890

290 The County of Cochise
Appellant
vs
A. J. Ritter Treasurer
and Ex-officio Tax Collector
of Cochise County and R. B. Clark et al
Appellees.

This cause having heretofore been
argued submitted and by the Court taken under
advisement, and the Court having fully consi-
dered the same and being fully advised in the
premises, it is ordered that the Judgment of
the Lower Court be and the same is hereby
affirmed; and it is further ordered that appellees
recover of the appellant their costs herein

Opinion rendered by Hon Richard E. Sloan, associate
Justice, Chief Justice A. C. Gooding and
associate Justice Joseph H. Kibbey concurring

271 Sutherland et al
vs
D. D. Pulsifer et al
Motion for rehearing set for hearing
at 2. o'clock tomorrow Sept 2nd 1890

256 The Santa Rita Land
and Mining Company
Appellant
vs
T. Tillie Hereford
Appellee

It is ordered that the motion for
a re-hearing of this cause be granted

10

Argument Term Sept 2nd 1890
Decided September 2nd 1890

62. Ramon Flores
Appellant
vs
Territory of Arizona
Appellee

This cause having heretofore been submitted to the Court on Brief, and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises,

It is ordered that the Judgment of the lower Court be and the same is hereby affirmed

Opinion rendered by Hon. H. C. Gooding Chief Justice associate Justices, Joseph H. Kibbey and Richard E. Sloan Concurring

288. A. A. Green
Appellant
vs
F. N. Millay
Appellee.

This cause having heretofore been argued submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, It is ordered that the Judgment of the lower Court be and the same is hereby affirmed. and it is further ordered that appellee recover of appellant his costs herein

Opinion rendered by Hon H. C. Gooding Chief Justice associate Justices Joseph H Kibbey & Richard E Sloan Concurring

Court adjourned at recess until 2 O'clock tomorrow morning.

Henry C. Gooding, C.J.
Joseph H Kibbey A.J.

Adjourned Term Sept 2nd 1890

Phoenix Wednesday September 3d 1890

At 10 o'clock A.M. Court re commenced

Present Hon H. C. Fencing Chief Justice
" Hon Joseph H. Kibbey associate Justice
" " Richard E. Sloan associate Justice
Calvert Frisbee associate U.S. Attorney
R. H. Paul Marshall
J. E. Walker Clerk
Cryer & Bailiff.

Hugo Richards and
274 Ed. M. Wells
vs
Appellant

Nat M. Green, Substituted for
J. T. Lennon, Treasurer and
Ex-officio Collector of the County
of the County of Yavapai.
Territory of Arizona,
Appellee.

This cause having heretofore been argued
Submitted and by the Court taken under advisement
and the Court being fully considered the same.
and being fully advised in the premises,

It is Ordered that the Judgment of Lower Court
be and the same is hereby reversed, and that
the Lower Court is directed to award a new
trial of the cause and sustain the demurrer
to the Complaint,

And it is further ordered and adjudged that
the appellants do recover of the appellee the costs by
them in and about this appeal incurred and
expended, taxed at. Dollars

Opinion rendered by Joseph H. Kibbey associate
Justice, Chief Justice H. C. Fencing and
associate Justice Richard E. Sloan concurring

Adjourned Term
Wednesday Sept 3d 1890

273. Chas Ward, administrator
of the Estate of C.A. Ward deceased
and J.W. Ward surviving partner
of said deceased

vs Appellants

Leman and McCabe

Appellees.

This cause having heretofore been argued
Submitted and by the Court taken under advisement
and the Court having fully considered the same
and being fully advised in the premises,
It is ordered that the Judgment of the lower
Court be and the same is hereby affirmed, and
it is further ordered that appellee recover of appellants their
costs herein

Opinion rendered by Hon N.C. Gooding chief Justice
associate Justices Joseph A Kitchey and Richard
E. Sloan concurring

302. W. A. Hermann Pf. Pt.
Hermann Hay Wm Earl
Seligman and A. J. Halbert
Appellant

vs

Sarah Marks

Appellee

This cause having heretofore been argued
Submitted and by the Court taken under advisement
and the Court having fully considered the same
and being fully advised in the premises,
It is ordered that the Judgment of the
lower Court be and the same is hereby
affirmed, And it is further ordered that appellee
recover of appellants their costs herein

Opinion rendered by Richard E. Sloan associate
Justice, Chief Justice N. C. Gooding and Associate
Justice Joseph A. Kitchey concurring

Appellees Term
Wednesday September 2d 1896

283 Samuel C. Rusv
Appellant
vs
William R. Rhodes
Appellee

This cause having heretofore been argued Submitted and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises.

It is ordered that the Judgement of Court be and the same is hereby reversed, and that the Circuit Court is directed to award a new trial. And it is further ordered and adjudged that the appellee do reimburse the appellant his costs & expenses herein expended
Opinion rendered by Joseph M. Dillon Dallam
associate Justice, Chief Justice N. C. Gaines and associate Justice Richard E. Sloan concurring

264 Nicholas Mile
Appellant
vs
James Brash
Appellee

This cause having heretofore been argued Submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises;

It is ordered that the Judgment of Court, be and the same is hereby affirmed and it is further ordered that the appellee recover of appellant his costs herein

Opinion rendered by N. C. Gaines Chief Justice, Associate Justices Joseph M. Dillon and Richard E. Sloan Concurring.

Adjourned Term Sept 3d 1890
Wednesday 3d September 1890

289 Danica Dunham and
Francisco Dunham his wife
vs Appellant

Hon Zeekendorf. Trustee for
Frank & Co a. corporation
Appellee,

This cause having heretofore been argued
Submitted and by the Court taken under advisement
and the Court having fully considered the same
and being fully advised in the premises,

It is ordered that the Judgment of the lower
Court be and the same is hereby affirmed, and
it is further ordered that the appellee recover of appellant his costs
herein

Opinion rendered by Joseph M. Kibbey associate
Justice, Chief Justice H. C. Gooding and Associate
Justice Richard E. Sloan Concurring

271 Mrs Sutherland
Appellant
vs
L. B. Putnam
Appellee

It is ordered that the motion for a
re-hearing in this cause be and the same is
hereby denied

Court then at recess until tomorrow morning
at 10 o'clock.

Henry C. Gooding C.J.
Joseph M. Kibbey J.J.

Adjourned Term at Phoenix

Thursday Sept 4th 1890

At 10 o'clock Court reconvened.

Present Hon H. C. Gooding Chief Justice
" Hon Joseph M Kelly Associate Justice
Colonel Wilson Assistant U S Attorney
J. M. Paul Deputy Marshal
J. E. Talkin Clerk
Bailiff & Crier

298 H. B. Alexander
Appellant
vs
Edward Churchill
Appellee

On this cause it is ordered that an appeal to the Supreme Court of the United States be allowed upon appellant H.B. Alexander filing into bond according to law in the penal sum of Three Hundred Dollars, security to be approved by the clerk of this Court,

Notice of appeal in the above entitled action having been given in open Court, and Motion being made that the appeal be allowed, and that the Court fix the amount of appeal Bond, it is ordered in open Court that the said appeal be allowed, and that the appeal bond be fixed at Three Hundred Dollars, to be approved by the clerk of this Court, and so let it be entered,

Court takes a recess until 9 o'clock tomorrow Morning.

Henry C. Gooding
Joseph M Kelly J.

Adjourned Term at Phoenix
Thursday Sept 5th 1890

at 9 O'clock A.M. Court re-convened

Present Hon H. C. Fleming chief Justice
Hon Joseph H. Kibbey associate Justice
Robert Wilson Assistant U.S Attorney
R. N. Paul Marshal
J. E. Harkins Clerk
Bailiff & Crier

In the matter of the
Application of Ching Hong
for a writ of Habeas Corpus.

Comes Ching Hong the applicant by Wilson Strit Esq his attorney, comes also R. N. Paul Marshal and brings into Court the body of said Ching Hong and files his return to the writ heretofore issued herein alleging that he had once applied in custody by virtue of a judgment rendered by D. J. Cummings a duly appointed and Qualified Court Commissioner of the United State District Court of the First Judicial District of the Territory of Arizona, and to me delivered, by which I am commanded to release the said Ching Hong into the custody of the Collector of Customs of the Port of San Francisco in the State of California in the United States of America, to be by him returned in accordance with law, to the Republic of Mexico from whence he came

Whereupon the Court heard the evidence and argument of Counsel and being sufficiently advised in the premises, denies the petition of said Ching Hong & he is discharged from custody and it is further ordered that he be returned to the custody of said R N Paul Marshal as aforesaid

Whereas J. E. Harkins clerk of the Supreme Court of Arizona, Territory has presented to the Court an account by him rendered by him at the adjournment of this Term and Days thereof, and has forwarded to the [illegible] of the City of

Adjourned Term
Friday Sept 6th 1890

services therein charged for have been actually and necessarily performed as therein stated, and it also appearing from the records that the said above entitled Court was open for business or business was actually transacted and therein said account appears to be just and according to law, It is therefore ordered that the said account amounting to the sum of fifty three Dollars be and the same is hereby approved,

309 Ben. James and Michael Peradich
vs Appellants
The Keystone Mining Company a Corporation and Joel. Seymour Trustee Appellees.

The Motion to translate this cause came on to be heard by the Court, said motion was argued to the Court by Counsel, submitted and by the Court taken under advisement, and after due consideration thereof, It is ordered that said motion be denied,

Whereupon the Appellants by their Counsel Jerge J. Berry Esq, in open Court prayed an appeal to the Supreme Court of the United States, and asked that said appeal be allowed and the amount of the appeal Bond be fixed by the Court, It is therefore ordered that said appeal to the Supreme Court of the United States be allowed in this cause, and the amount of the appeal bond is fixed at Five Hundred Dollars, which said bond is to be approved by the Clerk of this Court,

310 Charles Franville Johnson Appellant
vs
The Keystone Company a Corporation & Joel Seymour Trustee Appellees

The Sec

Adjourned Term at Phoenix
Friday Sept 5th 1890

And Now by the Court, said motion was argued to the court by Counsel, submitted, and by the Court taken under advisement, and after due consideration thereon, it is ordered that the said motion be denied,

Whereupon the appellant by his Counsel Jerry F. Berry Esq. files notice in open court of an appeal to the Supreme Court of the United States of the United States, and asked that said appeal be allowed, and the amount of the appeal Bond be fixed by the Court.

It is therefore ordered that an appeal to the Supreme Court of the United States be allowed in this cause, and the amount of the appeal Bond is fix at Five Hundred Dollars; which said Bond is to be approved by the Clerk of this Court

Court closed at 2 P.M. until Monday the 3rd day of November 1890 at 10 O'clock A.M.

Henry E. Gooding, J.

Jos H. Kibbey, C.J.

In the Executive December 29th 1890

In the Supreme Court of the Territory of Arizona

311 Prescott and Arizona Rail Road Co
vs
Samuel Rees and Springfield Fire
and Marine Insurance Company
Appellant
Appellee

Writ of Certiorari -

The Territory of Arizona to the clerk of the District Court of the 3d Judicial District of the Territory of Arizona in and for the County of Yavapai, Greeting:

Know ye, that, Whereas on the 17th December 1889 the Prescott & Arizona rail road Company appellant, and the above entitled cause were pending in said County, presided over Hon Henry C. Dowling the Chief Justice of said Court his petition and the affidavit of Eng. Sanford Esq its attorney, showing that there is omitted from the Transcript of the proceedings in said Court in said cause, the date of settling & filing the Statement of facts, the date of the rendition of the judgment the title of the cause, and the date of the several orders and minutes of the Court shewing the date of the days of the final adjournment of said Court, the term of Court at which said cause was tried, and the designation of the said term and it do appearing to said Hon Chief Justice, after due notice to the appellee it was ordered by said Chief Justice that you do forthwith certify to the said Supreme Court the several matters & Statements and omissions above

You are therefore commanded forthwith to certify to this Court in due form in accordance with said Order the matters so above mentioned,

Witness Hon H. C. Dowling Chief Justice
attest my hand and the Seal
of said Supreme Court this 29th day of
December A.D. 1890

Seal

J. E. Parker
Clerk

The Supreme Court of the Territory of Arizona
Met at Phoenix Arizona on Monday, January 12th
A.D. 1891. at 2.o'clock P.M. pursuant to law,

Present. Hon. H. C. Gooding. Chief Justice
" " R. E. Sloan. Associate Justice
" " B. B. Dewitt Deputy Marshal
" " J. E. Mathews Clerk

J. H. Chapman was appointed and sworn as Crier for this Court,

299 Sol. Lewis
Plff & Appellee
vs
C. T. Hayden et al,
Defts. & Appellants

The motion to reinstate this cause came on to be heard by the Court, said motion was argued by the Counsel, and the Court being fully advised in the premises, Orders that the former submission of the cause be set aside and the motion to reinstate cause be granted,

Court then took a recess until tomorrow morning at 10 o'clock

Henry C. Gooding, C.J.

January Term 1891
Tuesday Jan 13th 1891

At 10 O'Clock A.M. Court re-convened

Present Hon N. C. Froding Chief Justice
" Hon R. E. Stoan Associate Justice
B. B. DeWolf Deputy Marshal
J. E. Walker Clerk
J. W. Chapman Crier

299 Sol. Lewis,
vs appellee
C. T. Noyes et al
appellant

Ordered that the argument of this cause be set for Saturday morning Jan 17th 1891,

On motion of A.C. Baker Esq- The Court appointed a committee of five consisting of A.C. Baker Clark Churchill Harris Bateman Nicholson Street Esq E. J. Edwards, to draft suitable resolution on the death of the late Granville H. Curry- late Member of this bar, and to make their report on Friday morning Jan 16th 1891,

On motion of Clark Churchill Atty General The Court appointed, Clark Churchill Esq. Senator Joseph Campbell Frank Cox, N.B Lightfoot Esq. Alexander & James Reilly a committee of three to draft suitable resolution on the death of the Hon Lemuel Harrison, who was formerly Chief Justice of this Court, and that the Committee do make their report on Friday Jan 16th 1891

322 John N. Baker
vs
H. C. Davis et al

Comes Geo H. Strut Esq. and files a complaint, and prays the Court for a writ of ~~attachment~~ against the defendants, which was ~~order~~ issued ~~returnable forthwith~~

January Term 1891
Tuesday Jan 13th 1891 continued

315 – School District Number one of the County of Emma Appellant

vs.

Caroline E. Rembert Appellee

On motion of Jesse B Hovemond Esq Counsel for appellee. It is ordered tho L. H. Hopkins be and and as Counsel for appellee. Said appellee allowed until Monday Jan 19th to file briefs.

Court closed at recess until tomorrow morning at 10 o'clock.

Henry G. Gooding C.J.

January Term 1891
Wednesday Jan 14th 1891

At 10. o'clock A.M. Court re-commenced

Present Hon. H. C. Groning Chief Justice
" R. E. Sloan Associate Justice
R. N. Paul Marshal
J. E. Hawkins Clerk
G. W. Chapman Crier.

311 Prescott and Arizona R.R. Co
Appellant
vs
Samuel Reed, and The Springfield
Fire and Marine Insurance Co
Appellee

On Motion of E.M. Sanford Esq attorney for appellant, and upon cause shown, it is ordered that the Territorial Librarian be and he is requested to permit said attorney to bring such books as he may require on argument of above cause to this Court room.

322 John N. Behan
Plaintiff
vs
H. C. Davis et al
Prison Commissioners
Defts.

And now and this 14th day of January 1891 the Court having fully considered the application of the Plaintiff for a Writ of Mandamus on the defendants and cause appearing to the Court from the Complaint of Plaintiffs, filed in this court on the 18th day of January A.D. 1891, it is ordered that a writ of Mandate in the alternative form be issued to the defendants requiring them to appear then and audit the account of Plaintiff, or to show cause why the same is not done on January the 26th day of January 1891, at this Court sitting in Phoenix and the said Writ of Mandate be returned on that day.

Court stood at recess until tomorrow morning at 10 o'clock

H. C. Groning
C. J.

January Term 1890
Thursday Jan 15th 1891

at 10 o'clock a.m. Court re-convened
Present Hon H. C. Groening. Chief Justice
" R. E. Sloan Associate Justice
" R. H. Paul Marshal
J. E. Haskew Clerk.
J. R. Chapman Sheriff.

Order

It is ordered by this Court that the Marshal procure and furnish the Clerk of this Court the following articles of Stationery viz - five Jars of letter paper one half ream Legal cap paper one Doz Lead pencils two small and two large Sponges for the use of this Court,

289. Wm Zeckendorf. Trustee for Frank & Co
vs
Appellee
Darius Denham and
Francis Denham his wife
Appellant

This day this cause came on to be heard upon the motion of the appellee by F. J. Kenney his attorney filed in this Court during the last preceding term thereof, to correct the order made by this Court thereof on the 3rd day of September last, and it appearing to the Court that due service of the notice of said motion was made upon the attorneys of the appellants;

And it further appearing that a copy of the appeal bond was duly attached to the Transcript on appeal in this case, and that said order to Made September 3rd 1890, inadvertently omitted to enter judgment against the sureties on said appeal, and that no judgment was rendered thereon,

Now therefore it is by the Court ordered and adjudged that the said judgment so appealed from be and the same is hereby in all things affirmed, And it is further ordered and adjudged that the said appellee do have and recover of and from the said appellants on

January Term 1890
Thursday Jan 15th 1891

Counties upon said undertaking and appeal the sum of Twelve hundred and forty nine $\frac{00}{100}$ (1249^{00}) dollars, ~~for the use and benefit~~ of the premises described in the said judgment of the District Court ~~for the purposes therein~~, including the costs of said appellee in the District Court therein taxed at $16^{00}, and the appellee's cost in this Court, taxed at ($22^{50}) Twenty two Dollars.

It is further ordered that the Clerk of this Court Certify this judgment to the District Court of Pima County, and that the said appellee have Execution thereof from said Court,

Court then at recess until tomorrow morning at 10 o'clock

Henry L. Gooding, C.J.

January Term 1890
Friday Jan 16th 1891

at 10 o'clock a.m. Court re-convened

Present Hon Henry L. Gooding chief Justice
" Hon Richard E. Sloan associate Justice
R N. Paul Marshal
J. E. Hawkins Clerk
J. W. Chapman Orier

323 The Pecanio Real Estate Lands and properly described in the Delinquent List of the County of Yavapai for the Year 1889
vs
Territory of Arizona
Appellee

January Term 1891
Vicksburg Jan 16th 1891

By leave of the court and consent of all parties the transcript was filed in this cause,

At the request of Hon Claud Churchill - further time was allowed the committee to prepare & present their resolutions in respect on the death of Hon Lemuel Howard Stevens

The Committee appointed by this Court to draft resolutions in respect to the memory of Honorable Granville H. Amy, deceased, late Member of this Bar - with pleasure by A. C Baker Webster Street Joseph Campbell P.S Bailey and W.D. Lamar Esqrs - which remarks were responded to by Hon R. E. Sloan associate Justice on behalf of the Supreme Court - Presenting the following resolutions.

" Obedient to the request of this Honorable Court - We now tender in its presence this Tribute to the Memory of our departed friend and brother, Hon Granville H Amy, Who has been summoned by the Supreme Judge of Earth and Heaven from the exercise and care of human love to answer the requirements of Divine law.

In the Midst of this busy but shallow life, the departure of any man, no matter how exalted his intellect how fastidious his morals, or Commanding his station Creates but a temporary disturbance upon the bosom of life's flowing stream, but now and again one suddenly in the vortex of eternity, Creates a void in a great circle of friends and brothers, which is sincerely felt and long remembered, Such a loss has been sustained in the death of Hon G. S. Amy by this brotherly - Whose cradle he helped to rock, and by the bier which he adorned and honored, though unfaltering fidelity and Constancy to a friend, Whose untiring efforts for a client, however low or humble, Whose work a fearless and professional integrity, whose genial intercourse with all, Combined to shew a great and noble heart and lovely Spirit for his adorn and love

[illegible]

Sense of the loss which we in common with all the citizens of Arizona Territory have sustained in his death, We will cherish his memory made dear to all by his nobleness of heart, and his fortitude of mind in helping to remove the difficulties lying in the road to the prosperous settlement of a new County and the just administration of the laws therein; That he faithfully served the people of the Territory in their local legislature, and in the halls of Congress, and his County in the offices of Probate Judge and District attorney, is dearly to his credit, and of him it may be truthfully said that he did as much as any Native man within the borders of Arizona, to direct the course to her bright destiny - a place in the great sisterhood of states in this Union but we count it none the less a great credit to his memory that his whole career in a long professional career is untarnished by one single act of unfaithfulness, and is marked at every step with a simple, steady honesty - the brightest jewel in any profession.

Resolved that the Communicate these proceedings to the Supreme Court of this Territory, with the request that they be spread upon the minutes thereof - and a copy be furnished the Bar of the deceased,

A. C. Baker
Webster Street
David Churchill
Francis Brennan
P. J. Edwards,
} Committee

The foregoing resolutions were ordered to be spread upon the minutes and made a record of this Court, and as a mark of respect to the memory of the deceased the late Granville A. Kinney - the Court stood at recess until (tomorrow) Friday 17th 1891, at 10 o'clock am

Henry C. Gooding, C.J.

January Term 1891
Saturday Jan'y 17th 1891

At 10 o'clock am Court re-convened,

Present Hon Henry C. Grading Chief Justice
Hon Richard F. Sloan associate Justice
R. H. Paul Marshal
J. E. Habbell Clerk
G. W. Chapman Crier

275 United States of America
appellant
vs
Jas L. Tidball et al
appellee

On motion of Joseph Campbell Esq- it is ordered that the former submission of this cause be set aside, and cause be reopened for argument, and appellee furnish twenty days time to file additional brfs.

311 Prescott & Arizona Central Rail Road Co
Appellant
vs
Samuel Rees and the Springfield Fire and Marine Insurance Co
appellee

The argument of this cause set for hearing on Wednesday Jan'y 21st 1891. at 10 o'clock

286 P. W. Horgrove
appellant
vs
Law D. Hall. S P. Hall
B. H. Hall and J. H. Lancaster
appellees

This cause having heretofore, on the 16th day of January 1890, been argued & submitted and

January Term 1891
Saturday Jan 17th 1891

having fully considered the same, and being fully
advised in the premises, it is ordered that the
Judgment of the lower Court be and the same is
hereby reversed and set aside, and a New Trial
granted. It is further ordered and adjudged
that the appellant recover of the appellee, his
Costs by him in and about this suit in this court
laid out and expended, taxed at Thirty five ~~00~~
$35 50/100 Dollars

Opinion rendered by Hon Henry C. Fooring
Chief Justice, Associate Justice Richard E.
Sloan Concurring

292 William A. Hancock et al
Appellants
vs
Merrell Herrick et al
Appellees

This cause having heretofore been argued
submitted, and by the Court taken under advisement
and the Court having fully considered the same,
and being fully advised in the premises,
It is ordered that the judgment of the lower
Court be and the same is hereby reversed and
set aside, and a new Trial granted,
It is further ordered and adjudged that the
appellants recover of the appellee their costs by
them in and about this suit in this Court laid
out and expended, taxed at Ninety ~~00~~ Dollars

Opinion rendered by Hon Richard E. Sloan
Associate Justice, Chief Justice Henry C. Fooring
Concurring

Court adjourned sine die Monday Jan
19th 1891 at 10 o'clock am

Henry C. Fooring

January Term 1891
Monday January 19th 1891

at 10 o'clock a.m. Court re-convenes

Present Hon Henry C. Gooding. chief Justice
" Richard E. Sloan associate Justice
" B. B. Heitman " Deputy Marshal
J. E. Nahkus " Clerk
J. H. Huffman " Crier

256 The Santa Rita Land & Ins Mining Company appellant
vs
T. Tillis Stevens appellee

It is ordered, as per stipulation on file herein this cause that the appellant shall have thirty days from the 17th day of January 1891 to serve upon appellee's Counsel an additional brief thereon, that appellee shall have fifteen days additional time to reply thereto, and appellant fifteen days to reply to appellee's brief, and thereupon said Cause shall stand Submitted.

299 Sol Loris
vs appellee
C. T. Noyes, et al
appellant

This cause came on regularly to be heard by the Court, Nicholas Street Esq & L. A. Hawkins appearing for the appellants and Messrs Burke & Campbell appearing for appellee,

Cause was argued to the Court by counsel, and submitted,

Court draws at recess until tomorrow morning at 10 o'clock

Henry C. Gooding. C.J.

January Term 1891

Tuesday January 20th 1891

at 10 o'clock am Court reconvened

Present: Hon H. C. Irwin Chief Justice
" Hon R. E. Sloan Associate "
B. B. McClure Deputy Marshal
J. E. Stalker Clerk
J. M. Chapman Crier

266 James Reilly
appellee
vs
M. J. Crowley et al
appellant,

Now comes the appellee and files his motion to dismiss appeal,

263 United States of America
appellee
vs
Fordyce Rafeo and the Mountain Maica Mining Co
appellant

Now comes the appellee by its attorney and files a motion to dismiss this appeal,

318 Charles J. Johnston
appellant
vs
James Nelson et al
appellee

Now comes the appellee and files their motion to dismiss the appeal,

295 Henry T. Baldridge
vs appellant
James Reilly
appellee

Now comes the appellee and files his motion to dismiss this appeal,

Court stands at recess until tomorrow at 10. O'clock

Henry C. Irwin

January Term 1891

Wednesday January 21st 1891

at 10 o'clock A.M. Court re-convened.

Present Hon Henry C. Groening Chief Justice
Hon Richard E. Sloan Associate Justice
B. B. De Rusa Deputy Marshal
J. E. Nakkun Clerk
G. R. Chapman Crier

In the Matter of the application of M. J. Sterrett to be admitted to practice as an attorney and Counselor at Law.

On Motion of Morris Baldwin Esq and proof of former admission to practice in the District Court of Yavapai County, Arizona, and Satisfactory Evidence of Good Moral character, it is ordered by the Court, that the said M. J. Sterrett be and he is hereby admitted to practice as an attorney and Counselor at Law in this and all the inferior courts of the Territory of Arizona, and that the Clerk of this Court issue to him the necessary license therefor,

311 Prescott and Arizona Central Railway Co. vs. Appellant
Samuel Rees, and Springfield Fire and Marine Insurance Co
Appellee

This cause came on regularly to be heard by the Court, E. W. Sanford Esq. appearing for the Appellant, and Messrs J. C. Vermeire and Morris Baldwin Esqrs. appearing for the Appellee's.

Said cause was argued to the Court and Submitted,

Court then took a recess until until tomorrow morning at 10 o'clock Henry C. Groening J.P.

January Term 1891
Thursday Jan 22nd 1891

At 10 o'clock A.M. Court convened

Present Hon Henry T. Gooding Chief Justice
" Hon R. H. Sloan associate Justice
" C.W. Leon Deputy Marshal
J. E. Walker Clerk
J.W. Hofman Crew.

The Committee appointed by this Court to draft resolutions in respect to the Memory of Hon. Summer Howard deceased, late Chief Justice of this Court with remarks by J.C. Herndon Harris Baldwin and A. C. Baker Esqrs. which remarks were responded to by Hon H. C. Gooding Chief Justice, on behalf of the Supreme Court, Presented the following resolutions,

To the Honorable, the Supreme Court of the Territory of Arizona

Your Committee therefore appointed to draft and present Suitable Memorial in respect to the Memory of Hon Summer Howard, late Chief Justice of this Court, respectfully report as follows, to wit

We respectfully recommend that the following resolution be accepted by the Court, spread upon the Minutes thereof, and that an engrossed copy of the same, duly certified by the Clerk be transmitted to the surviving Members of the family of the deceased at Flint, in the State of Michigan to wit

Resolved - That this Court and members of the Bar are deeply impressed with the great loss occasioned by the untimely death of the Hon. Summer Howard, late Chief Justice,

The peculiar frankness and Generosity of his nature and the courteous dignity of his manners, the integrity of his mind, his love of Justice, and the distinguished ability with which he ever discharged his duties, both as a jurist and an advocate, inspires all with sentiments of respect and admiration

Clerk Churchill
A. B. Lightfoot
Frank Coe
H.J. Klauber

Jan.

January Term 1891
Thursday Jan 22nd 1891

Hon Bartlett of Coco Churchill Attorney Genl the foregoing Resolution was ordered to be spread upon the minutes and made a record of this Court, and as a mark of respect to the memory of the deceased Hon Dunning Harwood the Court do now at recess until tomorrow. (Jan 23d 1891) at 10. o'clock A.M.

Court do now at re-cess until tomorrow Morning at 10 o'clock A.M.

Henry C. Groesbeck C.J.

January Term 1891
Friday January 23d 1891

at 10. o'clock A.M. Court re-convenes.

Present Hon Henry C. Groesbeck Chief Justice
" " Joseph H. Kibbey Associate "
" " Richard E. Sloan " "
B. B. DeMure Deputy Marshal
J. E. Walker Clerk
J. H. Chapman Crier.

65 Territory of Arizona
vs
Lyman Follett et al
Cause submitted on briefs

66 Joseph Curley
vs Appellant
Territory of Arizona
Appellee
Cause set for argument on
January 27th 1891

January Term 1891
Friday Jan 23d 1891 Court

67 Bat Wish et al
appellant
vs
Territory of Arizona
appellee
Cause submitted on briefs, appellee
allowed 60 days from this date to file brief.

232 N. D. Encinas
appellant
vs
J. J. Hawkins
appellee
Cause set for hearing on Tuesday
Jan 27th 1891

313 Yavapai County
appellant
vs
William O O'Neill
appellee
Cause set for argument on Wednesday
Jan 28th 1891 at 10 o'clock am

School District No 1
315 County of Yuma
vs appellant
Peralta E. Rowland
appellee
Motion to dismiss appeal taken under
advisement,

Court stood at recess until tomorrow
Morning at 10. o'clock.

Henry C. Gooding, J.

January Term 1891
Saturday Jan 24th 1891

at 10 o'clock Am court reconvenes

Present Hon Henry C. Fowling Chief Justice
" Joseph H. Kibbey associate Justice
" Richard E. Sloan associate "
B. B. De Rue Deputy Sheriff
J. W. Harris Clerk
G. W. Chapman Crier.

30/ Granville H. Gray and
The County of Yavapai
Appellant
vs
James C. Gowding agent
of the Territory of Arizona
Appellee

This cause having heretofore on the 17th day of April 1890 been argued submitted and by the court taken under advisement, and the court having fully considered the same, and being fully advised in the premises, It is ordered and adjudged that the Judgment of the lower Court be and the same is hereby in all things affirmed.

It is further ordered and adjudged that the Appellee recover of the Appellant and C. H. Gray and John B. Montgomery the Sureties on the appeal bond his costs herein taxed at Forty one Dollars

Opinion rendered by Hon H. C. Fowling Associate Justice Joseph H. Kibbey and Richard E. Sloan, concurring

#

34/ Granville H. Gray and The County of Yavapai Appellant
vs
James C. Gowding agent of the Territory of Arizona Appellee
Appeal from Judgment of the District Court of the 1st Judicial District in and for the County of Yavapai
Filed Jan 24th 1891
J. W. Harris Clerk
By B. B. De Rue Deputy

299 Sol. Ferris
Plaintiff and Appellee
vs
C. T. Hayden, A. J. Bliss and A. C. Rhodes partners under the firm Name of Chas. T. Hayden Milling Company and A. J. Bliss
Defendants & Appellants

January Term 1891
Delivered Jan 24 1891

in the District Court of the Second Judicial Distri of the Territory of Arizona in and for the County of Maricopa in favor of the Plaintiff & Duly against said Defendants, and the said defendants having appealed to this Court from said judgment, and to suspend the Execution thereof, filed a Supersedeas Bond, in due form, with John S. Armstrong and Neils Peterson as sureties thereon,

And the said cause being submitted to this Court for consideration, and after due deliberation thereof it was ordered that the said judgment be affirmed and that judgment be entered against said defendants and their said sureties upon their appeal bond,

Therefore by reason of the law and the premises aforesaid, It is ordered adjudged and decreed that the Plaintiff Sol Lewis do have and recover of and from the defendants Chas T. Hayden, A. J. Bolles and A. C. Wakefield, partners under the firm name of the Chas T. Hayden Milling Company, and from the said Charles T. Hayden, A. J. Bolles & A. C. Wakefield and John S. Armstrong and Neils Peterson, sureties upon the appeal bond herein, severally the sum of $1873.65/100 Eighteen hundred seventy three 65/100 Dollars with interest thereon from October 2nd 1889, until paid at the rate of 1½ per cent per month, together with Plaintiffs costs in said District Court taxed at $29.00 and Appellees costs in this Court taxed at $38.30/100

Opinion rendered by Hon Richard E. Sloan Associate Justice, Chief Justice Hon Henry C. Fencing and Associate Justice Hon Joseph H. Kibbey Concurring.

266 James Reilly
Appellee
vs
M. J. Brumley Auditor and Ex-officio Treasurer of the City of Tombstone
Appellant

January Term 1891
Saturday June 27th 1891

The Motion to dismiss appeal in this cause having heretofore been filed, and being now fully considered by the Court, and the Court being fully advised in the premises, it is ordered that the appeal in this cause be dismissed and the same is hereby dismissed, and it is further ordered and adjudged that the appellee recover of the appellant his costs herein,

Opinion rendered by Hon Joseph H Tibbey Associate Justice, Chief Justice N C Gooding and Associate Justice R. E. Sloan Concurring.

294 John Hill A. B. Wilder et-al. Appellees
vs
H. C. Herrick Police Court et al Appellant

The Motion to dismiss the appeal in this cause having heretofore on the 18th day of April 1890. been submitted and taken under advisement by this Court, and having been fully considered by the Court, and the Court being fully advised in the premises, it is ordered that the appeal in this cause be dismissed and the same is hereby dismissed,

It is further ordered and adjudged, that the Appellees recover of the Appellant his costs herein

Opinion rendered by Hon Joseph H Tibbey Associate Justice Chief Justice N.C. Gooding and Associate Justice R.E. Sloan Concurring

January Term 1891
February Sess. 24th 1891

268 The United States of America Appellee

vs

Fraser River and Mountain Main Mining Company & Corporation Appellant

The Motion to dismiss appeal in this cause heretofore filed, and having been fully examined by the Court, and the Court being fully advised in the premises, It is ordered that the appeal in this cause be dismissed and the same is hereby dismissed, and it is further ordered and adjudged that the appellee recover of the appellant its costs herein,

Opinion rendered by Hon Joseph N. Ridley Associate Justice, Chief Justice M.C. Fuller and Associate Justice R.E. Brewer dissenting,

295 Henry T. Beveridge Appellant

vs

James Reilly Appellee,

The Motion to dismiss this Appeal having heretofore been filed, and having been fully examined by the Court, and the Court being fully advised in the premises, It is ordered that the appeal in this cause be dismissed and the same is hereby dismissed, and it is further ordered and adjudged that the appellee recover of the appellant his costs herein

Opinion rendered by Hon Joseph N. Ridley Associate Justice, Chief Justice M.C. Fuller and Associate Justice R.E. Brewer

January Term 1891
Saturday Jan 24th 1891

287 A. J. Duran, administrator
of the Estate of M. A. Robards
deceased
Appellee
vs
John C. Lane
Appellant

This cause having heretofore been submitted, and by the Court taken under advisement and having been fully considered by the Court and the Court being fully advised in the premises it is ordered that the appeal in this cause be dismissed, and the same is hereby dismissed And it is further ordered that the appellee recover of the appellant his cost herein, taxed at $10.00 Ten Dollars

Opinion rendered by Hon Henry C. Gooding Chief Justice, Associate Justice Joseph A Kibbey Concurring

308 M. A. Clark
Appellant
vs
Z. Murphy
Appellee
Cause set for hearing Thursday Jan 29th 1891

317 John Bianconi
Appellant
vs
Pauley Smith
Appellee
Cause set for hearing Tuesday Jan 28th 1891

Court then took recess until Monday Jan 26th 1891 at 10 O'clock A.M.
Henry C. Gooding C.J.
Joseph A Kibbey J.A.

January Term 1891
Monday January 26th 1891

at 10 o'clock am Court re-commence

Present Hon M. C. Grocing Chief Justice
" Joseph A Kibbey associate Justice
" Richard E. Sloan associate Justice
B. B. De Murg Deputy Marshal
J. E. Mathews Clerk
G.W. Chapman Crier

322 John H. Behan
Plaintiff
vs
N. C. Davis et al
Prison Commissioners &c
Defendants

By consent of all parties - Court does grant defendants until tomorrow, to file answer

The Atlantic & Pacific
224 Railroad Company
Appellant
vs
J. T. Rennen Treasurer
(&c) Ex-officio Tax Collector of
Apache County
Appellee.

Be it remembered that on the 27th day of January A.D. 1891, a certified copy of the order and Judgment of the Supreme Court of the United States, in this cause appealed from this Court to that, which is in the words following:-

"Whereas in the present term of October in the Year of our Lord One Thousand Eight hundred Ninety of the said Supreme Court, this cause having been called to the attention of the Court by Mr A. B. Browne of Counsel for the appellant he having moved the Court to dismiss the

Therefore in pursuance of said Motion, it now here ordered adjudged and decreed Court, that this appeal be and the same is

January Term 1891
Monday Jan 26th 1891

Said defendant and appellee recover against the said Plaintiff and appellant, the Atlantic & Pacific Railroad Company, "finally dollars for his costs herein Expended and hand Execution therefor," was filed in this Court,

And now therefore, upon reform motion of the appellee herein, it is ordered adjudged and decreed, that a mandate in accordance with the judgment of this Court heretofore rendered herein on the 19th day of September 1888, in this cause and entered in Judgment Book A. at page 168, be issued to the clerk of the District Court of the 3d Judicial District of Arizona, in manner and as provided by law,

Court then at recess until tomorrow Morning at 10. o'clock. AM

Henry L. Gray, C.J.
Joseph H. Kibbey, A.J.

January Term 1891
Tuesday January 27th 1891

At 10 o'clock am court reconvenes

Present Hon Henry C. Gooding chief justice
" Joseph St. Sibley associate justice
" Richard P. Sloan associate justice
" J. D. Paul Deputy Sheriff
J. E. Hawkins clerk
G. M. Chapman crier

65 Territory of Arizona
appellee
vs
Lyman Tallett. and
Ed Tallett. appellant

Ordered that 60 days time be granted appellee to file brief, and appellant given leave to add additional list of authorities to his brief heretofore filed.

66. Joseph Curley
appellant
vs
Territory of Arizona
appellee

This cause coming on regularly to be heard by the court, Allen R. English appearing for the appellant, and Hon Clark Churchill, Abraham Hamblin and Wm. H. Barnes appearing for the appellee,

Said cause was argued by the court by A. R. English on the part of the appellant, and W. H. Barnes on the part of the appellee, and pending the argument the argument of this cause, court adjourned at recess until tomorrow morning at 10 o'clock,

Henry C. Gooding C. J.
Joseph H. Kibbey Ass. J.

January Term 1891
Wednesday Jan 28th 1891

At 10 o'clock A.M. Court re-convened

Present Hon Henry C. Gooding Chief Justice
" Joseph St. Kirkham Associate Justice
" Richard E. Stockton Associate Justice
J. E. Hakken Clerk
J. V. Paul Deputy Marshal
G. M. Chapman Crier

313 County of Lemhi
Appellant
vs
Wm O. O'Neill
Appellee

This cause coming on regularly for hearing by the Court, J. C. Hamilton & E. B. Dunford Esq appeared for the appellant and Morris Bolivian Esq. appeared for the appellee,

Said cause was argued to the Court by J. C. Hamilton on the part of the appellant and pending the argument of this cause Court took recess until 1 o'clock P.M.

Henry C. Gooding C.J.
Joseph St. Kirkham A.J.

January Term 1891
Thursday June 29th 1891

at 9 o'clock a.m Court convened

Present Hon Henry C. Gresham Chief Justice
" Joseph A. Kibbey Associate Justice
" Richard E. Sloan Associate Justice.
J. E. Walker Clerk
G. R. Chapman Bailiff

319 In the matter of the Estate
of Ana Maria Ricardo de Aguirre
deceased

Cause set for hearing and Friday
June 30, 1891

320 In the Matter of the Estate
of Ana Maria Ricardo de Aguirre
deceased

Cause set for hearing on Friday June 30 1891

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321 In the Matter of the Estate
of Ana Maria Ricardo de Aguirre
deceased

Cause set for hearing on Friday June 30th 1891

January Term 1891
Thursday June 29th 1891

313 County of Yuba
appellant
vs
William O. O. Neill
appellee

The argument of this cause was resumed
Cause was argued to Court by Boris Balaam Esq
counsel for appellee & J. C. Needham Esq on part
of the appellee. The cause was then submitted
unto by the Court Took under advisement,

Court then at recess until tomorrow
morning at 10 o'clock,

Henry C. Gooding C. J.
Joseph K. Kibbey A. J.

January Term 1891
Friday June 30th 1891

At 10. O'clock am Court reconvenes

Present Hon H. C. Gooding Chief Justice
" Joseph K. Kibbey associate Justice
" Richard E. Sloan associate Justice
J. A. Paul Deputy Marshal
J. E. Falkner clerk
Geo. Huffman crier

322 John H. Behan
Plaintiff
vs
Police Commissioners
Defendants
Cause set for hearing on Mo ~~and~~ Feby 2nd 1891 at 10.

January Term 1891
Friday Jan 30th 1891

308 H. A. Clark
appellant
vs
F. M. Murphey
appellee

This cause came on regularly to be heard, J. C. Newman and E. M. Stafford Esqrs. appeared for the appellant. and Norris Baldwin appeared for the appellee, Cause was argued to the Court by J. C. Newman Esq on the part of the appellant also Submitted on brief by the appellee, and by the Court taken under advisement,

Court stood at recess until tomorrow Morning at 9 o'clock.

Henry C. Gresham C. J.
Joseph M. Hayes A. J.

January Term 1891
Saturday Jan 31st 1891

at 9 o'clock am Court reconvened

Present Hon. Henry C. Fearing Chief Justice
" Joseph A. Kibbey associate Justice
" Richard E. Sloan associate Justice
J. V. Paul Deputy Marshal
J. E. Walker clerk
J. R. Chapman crier

317 John Bianconi appellant
vs
Parley Smith appellee

This cause came on regularly to be heard by the Court,
Charles Baldwin Esq appeared for the appellant, and J. C. Herndon Esq appeared for the appellee, Said cause was argued & submitted to the Court by Counsel, Submitted and by the Court taken under advisement,

321 In the Matter of the Estate of Ana Maria Redondo de Aguirre deceased,
Appeal of Harriett S. Wright from a Judgment of the District Court of Pima County, allowing the final account of Pedro Aguirre as administrator of said Estate

This cause came on to be heard by the Court, C. R. Wright Esq appearing for the appellant and S. W. Franklin Esq appearing for appellee, Said cause was argued & submitted, appellee allowed 30 days to file additional brief and appellant 15 days thereafter to file brief in reply—

January Term 1891
Saturday Jan 31st 1891

319. In the Matter of the Estate of Maria Ramona de Aguirre deceased,

Wm S Burgess
appellant

vs

M. J. Romanigo
appellee

Cause submitted on briefs appellee allowed 30 days to file additional brief, and appellant 15 days thereafter to file brief in reply—

320. In the Matter of the Estate of Maria Ramon de Aguirre deceased

Appeal of Wm S. Burgess from a Judgment of the District Court of Pima County Confirming and reversing an Order of Probate Court of Pima County,

Cause submitted on briefs, appellee allowed 30 days to file additional brief, and appellant 15 days thereafter to file brief in reply,

Court closed at recess until Monday Feby 2nd 1891 at 2 o'clock P.M.

Henry C. Gooding C.J.
Joseph H Kibbey A.J.

January Term 1891
Monday Feby 2nd 1891

at 2 o'clock P.M. Court re-convened

Present Hon Henry C. Gooding chief Justice
" Joseph St. Kibbey associate Justice
" Richard E. Sloan associate Justice
" J. A. Paul Deputy Marshal
" J. E. Mathews clerk
" J. W. Chapman crier

In the Matter of the application of George St. Jung for a Writ of Habeas Corpus.

Comes now George St. Jung, by Baldwin and Johnson his attorneys, and files his petition for a Writ of habeas Corpus alleging that he is unlawfully detained in custody by the Sheriff of Jerome County and Comes also said sheriff of Jerome County by the District Attorney of Jerome County, and the Attorney General of the Territory, and it is therefore stipulated in open Court by the said applicant and said Sheriff that in the event that the court orders the issuance of a Writ herein, that it shall not be necessary that said Sheriff actually appear in said Court to procure in said court the body of said applicant, But that said sheriff shall make his return upon said Writ as if he did have the body of said applicant in Court,

It is therefore ordered by the Court subject to the stipulation aforesaid, that a writ of Habeas Corpus be issued herein directed to the said Sheriff of Jerome County directing him to have forthwith in this Court, the body of said applicant and show Cause if any he have, why he detains him in custody, if he does so detain as alleged in the petition herein,

Thereupon the said Sheriff by his Counsel aforesaid, now files his return to the said writ and the said applicant and said Sheriff now files their stipulation and agreement as to the facts relating material and important to the consideration in this case

January Term 1891
Monday Feby 2nd 1891

This cause is now submitted to this court for a prior determination, and sixty days time is given to appellant in which he shall file his brief, and 30 days after the service of a copy of his brief upon the Attorney General the said Attorney General shall file his brief -

322 John N Behan
Plaintiff
vs
Prison Commissioners
of Territory of Arizona
Defendant

This cause come on to be heard by the court. H. H Barnes & D. Alexander and D. Street appeared for the plaintiff, and Tom Clark Churchill Attorney General appearing for the defendant, cause was argued to the court by counsel and submitted upon the agreed statement of facts - filed in this cause,

Court stood at recess until Tuesday Feby 3rd 1891 at 3. o'clock P.M.

Henry C. Gradison C.J.
Joseph H Kibbey A.J.

January Term 1891
Tuesday Feby 3d 1891

at 3. O'clock P.M. Court re-commence

Present Hon H. C. Gosline chief Justice
" " Joseph N. Kibbey associate Justice
" " Richard C. Sloan associate Justice
" J. D. Paul Deputy Marshal
J. E. Watkins clerk
G. W. Hofman crier

263 The United States of America, Plff & Appellee
vs
Forgey Rogers and the Mountain Maid Mining Company. (a Corporation) Defendant & Appellant

On this cause the appellant through his counsel, Geo F. Berry and Allen R English gave notice of appeal from the Judgment of this Court to the United States Supreme Court, and said appeal was allowed by the Court in open Court this day. said notice having been given in open Court this day, and the costs bond on appeal is fixed at $ 250 00/100 and associate Justice Sloan is authorized to approve such bond,

294 John Hill, A. B. Wilson et al Plff & Appellee
vs
N. C. Merrick, Peter Crone et al. Defts & appellant

On this cause Robert T. Sloan Justice one of the appellants through his counsel, Geo. F. Berry and Allen R English, gave notice of appeal from the Judgment of this Court to United States Supreme Court, and said appeal was allowed by the Court in open Court this day. said notice having been given in open Court this day, and the costs bond on appeal is fixed at $ 250 00/100 and Associate Justice Sloan is authorized to approve such bond.

January Term 1891
Tuesday July 3rd 1891

232 N. D. Emmerson
Appellant
vs
J. J. Hawkins
Appellee

On Cause shown, it is ordered that the appellant have until the first appearance term of this Court in which to file a substituted transcript,

School District Number
315 one, of the county of Grant
Appellant
vs
Caroline E. Rendlent
Appellee

It is ordered that the motion to dismiss this cause be denied, and appellant granted leave to file within thirty days amended certified Statement of cause in lower Court, and certificate of Clerk when transcript was amended & when delivered to the appellant, and on the filing of the above certified Statement of Cause here, cause is ordered submitted,

324 Hong Nam, Fit Tong-
Jang Nang-Ma Chung Say-
Appellants
vs
William Doe
Appellee

This day came the appellee, in the above Entitled action by his attorneys Herring & Herring and W. H. Williams, and presented the Certificate of the Clerk of the District Court of Cochise County that the appeal was perfected in the above entitled action on the 28th day of June A.D. 1890, and that said appeal was taken at the May Term of the District Court of the First Judicial District of the Territory of Arizona in and for said

January Term 1891
Tuesday Feby 3d 1891

That the said May Term of said District Court finally adjourned on the 9th day of June 1890, and that said appeal was perfected more than 30 days before the first day of this term of this Court, and it appearing that no Transcript of the record in said cause had been filed in this Court, and said appellee presenting with said Certificate a Certificate copy of the appeal Bond in said action, and moving the Court for an affirmance of the Judgment of the Court below,

It is ordered adjudged and decreed by this Court, that the Judgment of the said District Court of Cochise County A.T. in the above entitled cause be and the same is hereby in all things affirmed against the appellants and the Sureties on the appeal Bond, Geo G. Berry and Geo H. Pitts, at the costs of said appellant and the Sureties taxed at $13.50 Thirteen 50/100 Dollars, for all of which let execution issue

And upon motion of Counsel for appellee

It is further ordered that the Mandate in this cause issue forthwith,

Court stood at recess until tomorrow Feby 4th 1891 at 3 o'clock P.M.

Henry C. Gooding C.J.
Joseph H. Kibbey, J.A.J.

January Term 1891
Wednesday Feby 4th 1891

at 3. o'clock P.M Court recommenced

Present Hon Henry C. Gwacing chief Justice
" Joseph A. Kibbey Associate Justice
" Richard E. Sloan Associate Justice
J. V. Paul Dept Marshal
J. E. Watkins Clerk
G. R. Chapman Crier

Court closed at recess until tomorrow
February 5th 1891 at 3 o'clock P.M.

Henry C. Groshing C.J.
Joseph A. Kibbey A.J.

January Term 1891.
Thursday Feby 5th 1891

at 3. o'clock P.M Court re-commenced

Present Hon Henry C. Gwacing chief Justice
" Joseph A. Kibbey Associate Justice
" Richard E. Sloan Associate Justice
J. V. Paul Deputy Marshal
J. E. Watkins Clerk
G. R. Chapman Crier

Court closed at recess until Saturday at
3 o'clock P.M. Feby 7th 1891

Henry C. Groshing C.J.
Joseph A. Kibbey A.J.

January Term A.D. 1891
Saturday Feby 7th 1891
D. D.

at 3. o'clock P.M. Court reconvened.

Present Hon Henry C. Groening chief Justice
" Joseph H. Kibbey associate Justice
" Richard E. Sloan associate Justice
" S. B. Deuel Dept Marshal
" J. E. Hebron Clerk
" G. M. Shoffner crier

66. Joseph Curley
appellant
vs
Territory of Arizona
appellee.

This cause having heretofore been argued & submitted and by the Court taken under advisement, and the Court being fully advised in the premises, and the same is it is ordered that this Cause be re-reversed, and a new trial granted,
It is further ordered that the appellant be admitted to bail in the sum of one thousand Dollars. Conditioned that he appear at the next term of the Grand District Court of Cochise County, and from time to time thereafter, as Court may order, and abide the order and Judgment of said Court, and the Clerk of said District Court of Cochise County forthwith issue said bond.

Opinion rendered by Hon R. Sloan associate Justice, Chief Justice H.C. Groening and associate Justice, Joseph H. Kibbey Concurring

January Term 1890
Saturday July 9th 1890

Territory of Arizona
vs Appellee
The Pinal Real Estate
Land & Cattle Co. as owner in
the Delinquent List of the County
of Mohave, Territory of Arizona
for the year 1887.
Appellant

At this time the motion of appellant for judgment as per stipulation on file, heretofore argued and submitted, it is ordered, that the motion be and the same is hereby denied, #

And this cause the motion of the appellants petitioner filed herein October 28th 1889, be and the same is hereby granted, and the judgment heretofore on the 17th day of August 1889, entered herein be and the same is hereby set aside vacated and held for nought,

Territory of Arizona
Appellee
vs
The Pinal Associates & Co
of the County of Mohave for
the year 1888
Appellee.

And this cause the motion of appellant for judgment as per stipulation on file heretofore argued and submitted, it is ordered that the motion be and the same is hereby denied #

Territory of Arizona
vs Appellee
The Pinal Associates & Co
of the County of Apache
for year 1888 Appellant

And this cause the motion of appellant for judgment as per stipulation on file heretofore argued and submitted, it is ordered that the motion be and the same is hereby denied

Court taken at recess until Monday July 9th 1891 at 10 o'clock A.M.

King C. Gruelling Esq.
Joseph H. Kibbey Esq.

The motion of appellee to strike the stipulation for judgment from the files herein is hereby sustained and it is ordered that the stipulation for judgment filed herein June 2nd 1890 be and the same is hereby stricken from the files

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The motion of appellee to strike the stipulation for judgment from the files herein is hereby sustained and it is ordered that the stipulation for judgment filed herein June 2nd 1890 be and the same is hereby stricken from the files

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January Term 1891
Monday February 9th 1891

at 10. oClock A.M. Court reconvened

Present Hon Henry C. Gwinn chief Justice
" " Joseph H. Kibbey associate Justice
B. B. De Mott Dept. Marshal
J. E. Nichols clerk
F. M. Chapman Crier,

3 vs. Territory of Arizona
Plff & Appellee
vs.
The Person Real Estate Land and property described in the delinquent list of the County of Maricopa for the Year 1888
Defendant & Appellant.

Comes the Territory by Frank Cox District Attorney and Clark Churchill, Attorney General. and also comes the objector the Maricopa and Phoenix Rail Road Company by H. M. Chapman Esq its attorney,

And this cause having been heretofore submitted to this Court for hearing and determination, after hearing before the argument of Counsel and examination the papers, and being sufficiently advised in the premises, the Court now orders that the Judgment of the District Court of the Second Judicial District in and for the County of Maricopa in this cause be, and the same is hereby in all things affirmed Except as to the sum of One Thousand and Six dollars and Thirty Cents, which amount is ordered to be remitted from the amount of said Judgment,

And it is now, therefore, ordered, adjudged and decreed by this Court, That the taxes assessed and levied for the Year 1888, in said County of Maricopa, against said Phoenix and Maricopa Rail Road Company. and the costs and penalties accrued thereto, aggregating in the amount of the Sum of Twelve Hundred and Thirty nine Cents, ($1239.39) and the costs accruing in in this Court and the said District Court upon at the rate

January Term 1891
Monday Feby 9th 1891

a valid and subsisting lien upon all the property of the said Maricopa and Phoenix Rail Road Company situated in said County of Maricopa, and described as follows towit: The 24 16/100 miles of main track with franchise and right of way and the main track thereof beginning at the point where said main track crosses the boundary line of Pinal and Maricopa Counties and running thence in a northerly direction to Tempe and from thence to the Town of Phoenix in said Maricopa County during said Telegraph line Station buildings Structures at Tempe and other points reservating Structures depot and improvements at Phoenix for the taxes, penalties, interest and costs above mentioned

That the same is due and unpaid

And it is further adjudged ordered and decreed by this Court, that if default be made in the payment thereof, that upon a certified copy of this order direction to the tax Collector of this County, he. the said tax Collector shall advertise and sell so much of said property as may be necessary to pay and satisfy the said taxes, penalties and costs, and out of the proceeds of such sale shall pay and discharge the said taxes costs and penalties,

Territory of Arizona
Plaintiff & Appellee
300
vs
The Person Real Estate Land and property described in the delinquent list of the County of Maricopa for year 1888,
Deft & Appellant

Appellant in said Court gave notice of appeal from the decision of the Supreme Court of the Territory to the Supreme Court of the United States = Excepting = only to such portions of said decision and Judgment as decided that Railroad property within the boundaries of an Indian Reservation within a Territory is subject to taxation, by the Territories or Counties and that such reservation is under the jurisdiction of the Territorial Courts, upon which the said Appeal was taken, &

January Term 1891
Monday July 9th 1891

be appeared by the Court or either of the Justices thereof.

284 The Albuquerque National Bank a Corporation
Plaintiff and Appellee
vs
N. J. Herbert E. S. Clark,
William Zain, Thos McMillan
and A. Doyle
Defendants and Appellants.

Whereas on the 16th day of June A.D. 1889 a Judgment was rendered and entered in the above Entitled Cause in the District Court, of the Third Judicial District of the Territory of New Mexico in and for the County of Bernalillo in favor of the Plaintiff and against the above named defendants for the sum Three Thousand and Thirty seven 00/100 Dollars for its debt, which sum bears interest from the date thereof, until paid at rate of one per cent per month, and also the sum of Two Hundred and fifteen 25/100 dollars for cost and disbursements therein incurred and expended;

And whereas the said defendants William Zain Thos. J. McMillan and A Doyle appealed to this Court from said Judgment, and for the purpose of suspending the Execution of said Judgment, did thereupon file in said District Court, a Supersedeas Bond in due form and as required by law with D. J. Brannen and David Babbitt as Sureties thereon, whereupon said Cause was duly & regularly appealed and come on for hearing in this Court,

Now the said Cause having been fully argued in this Court and by the Court taken under advisement and consideration, and after due Consideration, being fully advised in the premises Comes now and this 9th day of February 1891 in open Court and renders and files the written opinion and decision of this Court affirming the Judgment of the Court below in all respects, and orders and directs That Judgment be entered in this Court in favor of Plaintiff and appellee and against the defendants and William Zain Thos J. McMa

January Term 1891
Monday July 9th 1891

and A. Doyle and also against D. J. Brannan and Donie Babbitt their Sureties on said Defendants Bond in accordance with the Judgment rendered in the District Court appealed from and for costs in this Court,

Therefore by reason of the law and the premises aforesaid it is ordered adjudged and decreed that said appellee. The Albuquerque National Bank do have and recover of and from the appellants William Fain Thos F. McMillan and A Doyle, and from the sureties in said Defendants bond D. J. Brannan and Donie Babbitt, severally the sum of Three Thousand and Thirty Seven & 50/100 Dollars together with interest thereon from June 15th 1889, at the rate of one (1) per Cent per month until paid also the costs taxed in the Court below at the sum of Two Hundred & Fifteen & 25/100 Dollars, and also the costs in this Court incurred by appellee taxed at the sum of Forty one 50/100 Dollars

Court stood at recess until tomorrow at 10 o'clock A.M.

Henry B. Gradding C.J.
Fred Muller Jr.

January Term 1891
Tuesday July 10th 1891

at 10 O'clock Ans Court reconvenes

Present Hon H. C. Gowing Chief Justice
" Joseph H. Kibbey Associate Justice
B. B. DeMoss Dept Marshal
J. E. Walker Clerk
J. M. Chapman Crier

Court closes at recess until tomorrow morning at 10 o'clock am.

Henry C. Gowing C.J.
Joseph H. Kibbey, A.J. C.J.

January Term 1891
Wednesday July 11th 1891

At 10 O'clock a.m. Court re-commences.

Present Hon Henry C. Gowing Chief Justice
" Joseph H. Kibbey Associate Justice
B. B. DeMoss Dept Marshal
J. E. Walker Clerk
J. M. Chapman Crier

Court closes at recess until tomorrow morning at 10 o'clock

Henry C. Gowing, C.J.
Joseph H. Kibbey, A.J. C.J.

January Term 1891
Thursday February 12th 1891

At 10 o'clock A.M. Court re-commenced

Present Hon Henry C. Gooding Chief Justice
" Joseph N. Kibbey associate Justice
" B. B. De Arnud Deputy Marshal
J. E. Walker Clerk
G. W. Chapman Crier

Court Closed at recess until Saturday February 14th 1891 at 10. o'clock A.M.

Henry C. Gooding C.J.
Joseph N. Kibbey A.J.

January Term 1891

Saturday February 14th 1891

At 10 O'Clock A.M. Court re-convened

Present Hon Henry C. Gooding Chief Justice
" " Joseph N. Kibbey associate Justice
" B. B. De Arnud Deputy Marshal
J. E. Walker Clerk
G. W. Chapman Crier

63 Joseph N. Lowe
Deft & Appellant
vs
Territory of Arizona
Plff. & Appellee

This cause having heretofore been submitted and by the Court taken under advisement, and the Court having fully considered the same being fully advised in the premises, it is ordered that

January Term 1891
Saturday Feby 14th 1891

of the lower court be and the same is hereby reversed, and the appellant arrested a new trial, and cause remanded to the District Court of the 3d Judicial District of the Territory of Arizona in and for the County of Yavapai, for a new trial,

And it is further ordered and adjudged that the appellant Joseph H. Jones be remanded to the Sheriff of Yavapai County Arizona Territory, to be by him held until legally discharged,

And it is further ordered that the appellant be admitted to bail in the sum of Five hundred Dollars, conditioned that he appear at the next Term of the District Court of the 3d Judicial District of the Territory of Arizona in and for the County of ~~Maricopa~~ Yavapai, and from time to time thereafter, as said Court may order, and abide the order and judgment of said District Court, and that the Clerk of said District Court, 3d Judicial District Territory of Arizona in and for the County of Yavapai approve said bail Bond,

3.05

Territory of Arizona
Appellant
vs
The Personal Real Estate Land and Property described in the delinquent list of the County of Pima for the year 1889,
Appellee,

This cause having heretofore been argued, submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises, it is ordered adjudged and decreed that the Judgment of the District Court of the 1st Judicial District of the Territory of Arizona, in and for the County of Pima in this cause be and the same is hereby in all things affirmed

Court stood at recess until Wednesday Feby 18th at 10 o'clock A.M

Henry C. Stanford Esq -
Sol. Gen. Wilson Esq.

January Term 1891

Wednesday February 18th 1891

At 10 o'clock a.m. Court re-convened

Present Hon Henry C. Gooding Chief Justice
" Hon Joseph H. Kibbey Associate Justice
B. B. DeMunn Deputy Marshal
J. E. Nahrens Clerk
J. N. Chapman Crier

322. John M. Behan
Plaintiff
vs
W. C. Davis J. S. Robbins and
E. A. Cutter, Prison Commissioner
of the Territory of Arizona
Defendants. | Judgment

This cause came on for trial before said Court on the Second day of February A.D. 1891 all parties appeared and submitted the cause to the Court and an agreed Statement of facts, and the Court took the same under advisement;

And Now, this 18th day of February 1891. the Court being fully advised in the case, does order and adjudge that plaintiff is entitled to a peremptory writ of Mandamus against the defendants, and they are hereby ordered and directed to audit the account of the plaintiff as Superintendent of the Territorial Prison for the Quarter beginning October 1st 1889, and ending December 1st 1889, and for the Quarter beginning January 1st 1890 and ending March 31st 1890 and for that portion of the next Quarter beginning April 1st 1890, and Ending May 27th 1890 at the rate of Seven Hundred and fifty ($750) Dollars per Quarter, and that when the same is audited that they forthwith certify the same and draw a voucher to the Auditor of the Territory, that he may draw his warrant therefor at the rate of Seven Hundred and fifty ($750) Dollars per Quarter.

That in auditing said account the defendants shall deduct from such account the sum of Six hundred and Fifty Eight and 37/100 ($658.37/100) Dollars, as having already been paid said plaintiff. on said account, and that Plaintiff recover his costs of Suit against defendant. taxed at $16.00/100

It is ordered & certified a copy of this Judgment be issued and the defendant in place of a Writ of Mandamus

January Term 1891
Wednesday July 18th 1891

Court Stood at recess until Saturday February 21st 1891,

Henry C. Gooding C.J.
Joseph K. Kibbey A.J.

January Term 1891
Saturday Feby 21st 1891

At 10 O'clock a.m Court re-convened.

Present Hon Henry C. Gooding chief Justice
" Joseph K. Kibbey A. J.
" B. B. De Mond Dept Marshal
J. E. Hakins Clerk
G. M. Hofman Crier

Court Stood at recess until Tuesday Feby 24th 1891

Henry C. Gooding C.J.
Joseph K. Kibbey A.J.

January Terms 1891
Tuesday Feby 24th 1891

at 10 O'clock am Court re-convened.

Present Hon Henry C. Gooding chief Justice
" Joseph K Kibbey A. J.
J E Hakins clerk

Court stood at recess until Wednesday Feby 25th 1891

Henry C. Gooding C.J.
Joseph K Kibbey A.J.

January Term 1891
Wednesday July 25th 1891

at 2. o'clock P.M Court recommenced.

Present Hon Henry C. Gooding Chief Justice
" Joseph A. Kibby Associate Justice
B. B. De Nure Deputy Marshal
J. E. Watkins Clerk
J. W. Thompson Crier

Court Stood at recess until Thursday July 26th 1891,

Henry C. Gooding C. J.
Joseph A. Kibby Ass. J.

January Term 1891
Thursday July 26th 1891

At 4. o'clock P.M. Court recommenced

Present Hon Henry C. Gooding Chief Justice
" Joseph A. Kibby Associate Justice
" B. B. De Nure Deputy Marshal
" J. E. Watkins Clerk and Crier

Court Stood at recess until Saturday July 28th 1891.

Henry C. Gooding, C. J.
Joseph A. Kibby Ass. J.

January Term 1891
Saturday Feby 28th 1891

at 4 O'clock P.M. of this day Court re-convened

Present Hon Henry C. Gooding C.J.
" " Joseph St. Tibbey A.J.
" " J. E. Walker Clerk

Court closed at recess until Tuesday March 3d 1891

Henry C. Gooding C.J.
Joseph St. Tibbey A.J.

January Term 1891
Tuesday March 3d 1891

at 2 O'clock P.M. Court re-convened
Present Hon Henry C. Gooding Chief Justice
" " Joseph St. Tibbey Associate Justice
B. B. De Mure Deputy Marshal
J. E. Walker Clerk
J. R. Coffman Crier

Court closed at recess until Wednesday March 4th 1891

Henry C. Gooding C.J.
Joseph St. Tibbey A.J.

January Term 1891
Wednesday March 4th 1891

At 5 o'clock P. M of this day Court re-convened

Present Hon Henry C. Groning C. J.
" Joseph H. Kibbey A. J.
" B. B. De Murr Deputy Marshal
J. A. Walker Clerk
F. H. Chapman Crier

Court close at recess until tomorrow at 10 O'clock A.M

Henry C. Groning C. J.
Joseph H Kibbey A. J.

Thursday March 5th 1891

Oath of Office

I, Edmund H. Wells, do Solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of Evasion, and that I will well and faithfully discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of Arizona, on which I am about to enter, So help me God.

Edmund H. Wells

Subscribed and sworn to before me this 5th day of March 1891

Nathan O. Murphy
Secretary of Arizona

Seal

January Term 1891
Thursday March 5th 1891

On this day Court re-convenes

Present Hon Henry C. Fowling Chief Justice
" Joseph A. Libby Associate Justice
" Edmund F. Wells Associate Justice
B. B. De Mars Deputy Marshal
J. E. Parkin Clerk
G. M. Chapman Crier

315 School District No 1. of the County of Jones, Appellant
vs
Coraline E. Rembert,
Appellee,

It is ordered that 30 days longer from this date be granted.

January Term 1891
Friday March 6th 1891

At 11 O'clock A.M. of this day Court re-convenes

Present. Hon Henry C. Fowling Chief Justice
" Joseph A. Libby Associate Justice
" Edmund F. Wells Associate "
B. B. De Mars Deputy Mar

January Term 1891

Thursday March 5th 1891

And this day court re-convenes

Present Hon Henry C. Gueting C. J.
" Joseph M. Libby A. J.
" Edmund H. Hollo. A. J.
B. B. De. Haven Dept Marshal
J. E. Hawkes Clerk
G. H. Chapman Crier

315 School District Number
one. of the Co of Yuma
Appellant

vs

Caroline E. Rembert
Appellee.

On motion of H. H. Barnes Esq. and good cause shown, it is ordered, that 30 day longer time from this date, to file amended certificate of clerk statement of costs in lower Court, and certificate of clerk when Transcript was demanded & when delivered to the appellant.

In the Matter of the application of Charles S. Clark, to be admitted to practice as an attorney and Counselor at Law.

On motion of Clark Churchill Esq. and Satisfactory proof of a former admission to practice in the District Court, of the 1st Judicial District of Arizona and Examined of Good moral character, it is ordered that Chas. S. Clark be and he is hereby admitted to practice as an attorney and Counsellor at Law in this. and all of the Inferior Court of the Territory of Arizona

Court stood at recess until tomorrow Morning at 10. o'clock

Henry C. Gueting. C. J.
Joseph H. Libby Ass.
Edmund H. Hollo Ass.

January Term 1891
Friday, March 6th 1891

At 10 o'clock a.m. of this day court reconvened

Present Hon Henry C. Gooding C.J.
" Joseph H. Gibbey A.J.
" Edmund H. Wells A.J.
B. B. De Lamo Deputy Marshall
J. E. Mahon Clerk
J. M. Chapman Crier

Whereas J. E. Mahon clerk of the Supreme Court of Arizona Territory, has presented to the Court an account for services rendered by him at the regular January term thereof held at Phoenix Arizona, January 12th 1891, and has sworn on oath to the satisfaction of the Court that the services therein charged for have been actual and necessary performed as therein stated, and it also appearing to the Court from the records, that upon the days thereof mentioned, Court was open for business or business was actually transacted, and whereas said account appears to be just and according to law

It is therefore ordered that the said account amounting to the sum of $402.80/100 Dollars be and the same is hereby approved.

322 John W. Behan
Plaintiff
vs
H. C. Davis, J. S. Robbins
and E. A. Cutler Prison Commissioners
of the Territory of Arizona
Defendants.

Whereas because of the interruption of communication by flood, this Court was not advised of the affirming by the President of an Act of Congress, for the provisions for the appointment of an additional Justice of this Court, and provision that 3 Justices of this Court shall be necessary to constitute a Quorum for the transaction of business, and, Whereas by the provisions of said bill ~~there was~~ an adjournment of the Days of this Court ~~taken in the~~

January 7th 1891.
Friday Morning 9th 1891

On Page 265 of this record is seen a Journal of said Court was not then present,

Therefore it is ordered that the Clerk of this Court draw across the face of the record of said Judgment and mint lines and enter thereon in large letters the word "Cancelled," and it is now further Ordered that the defendants be and there are hereby ordered and directed to audit the account of the Plaintiff as Superintendent of the Territorial Prison for the Quarter beginning October 1st 1889, and ending December 31st 1889, and for the Quarter beginning January 1st 1890 and ending March 31st 1890, and for that portion of the next Quarter beginning April 1st 1890 and ending May 27th 1890, at the rate of Seven Hundred and fifty ($750,) Dollars per Quarter, and that when the same is audited that they forthwith certify the same and draw a warrant on the Auditor of the Territory that he may draw his Warrant therefor at the rate of Seven Hundred and fifty ($750,) Dollars per Quarter,

That in auditing said account the defendants shall deduct from such account the sum of Six Hundred and Fifty Eight and 37/100 ($658,37) Dollars, as having already been paid said plaintiff on said account,

And that plaintiff recover his costs of suit against defendant taxed at $21.50/100, and the Clerk of this Court shall prepare a copy of this order and certify the same under his hand and the seal of this Court and deliver the same to the Marshall of this Territory, who shall thereupon serve the same on said defendants,

---

An Act in relation to the Division of the Territory into Judicial Districts, the fixing of the time and place of holding the Courts therein, and the assignment of the Chief Justice and the Associate Justices of the Supreme Court thereto, in pursuance of the authority and direction of Section four and five of an act of Congress, entitled "An Act to Provide for an additional Associate Justice of the Supreme Court of Montana" approved February 11th 1891,

Be it Enacted, That the Territory of Montana be and the same is hereby, divided into four Judicial Districts, as follows.

January Term 1891
Friday March 6th 1891

1st The Counties of Pima and Cochise shall together Constitute and Judicial district to be known as the First Judicial District of said Territory, and two terms of the Court in and for said District shall be held annually at Tucson in said District and beginning on the Second Monday in March, and one beginning on the second Monday in September, and Associate Justice Richard E. Sloan is assigned thereto,

2nd, The Counties of Pinal, Gila and Graham shall together Constitute and Judicial District to be known as the Second Judicial District of said Territory, and two terms of the Court in and for said District shall be held annually at Florence in said District, and beginning on the first Monday in May and one beginning on the first Monday in November, and Associate Justice Joseph H. Kibbey is assigned thereto,

3rd The Counties of Maricopa and Yuma shall together Constitute and Judicial district, and shall be known as the Third Judicial District of said Territory, and two terms of the Court in and for said District shall be held annually at Phoenix in said District, and beginning on the first Monday in May and one beginning on the first Monday in November, and Associate Justice Edmund M. Wells is assigned thereto

4th The Counties of Mohave, Yavapai, Coconino, and Apache shall together Constitute and Judicial district, and shall be known as the Fourth Judicial District of said Territory, and two terms of the Court, in and for said District shall be held annually at Prescott in said District, and beginning on the first Monday in June, and one beginning on the first Monday in November, and Associate Justice Edmund M. Wells is assigned thereto

Done in open Court on the sixth day of March 1891, at the Regular Term of the Supreme Court of said Territory, at the City of Phoenix, and by the Chief and Associate Justices of said Court at Phoenix on the day aforesaid

Hoyce C. Fleming C.J.
Joseph H. Kibbey A.J.
Edmund

January Term 1891
Friday March 6th 1891

It is ordered that an adjourned term of this Supreme Court, be held at the City of Phoenix on the 1st Monday of September 1891,

Court stands at recess until the 1st Monday of April 1891,

Henry C. Gooding, C. J.
Joseph H. Kibbey, A. J.
Edmund McDaniel, A. J.

Law Library
June 1st 1891

It is ordered that the Marshal of the Territory, procure and furnish for the use of the Supreme Court ten packs of Letter Papers,

The Supreme Court of the Territory of Arizona, Met at Phoenix Arizona on Monday January 11th 1892, at 3 O'clock P.M. pursuant to Law.

Present, Hon Henry C. Gooding Chief Justice
" Richard E. Sloan Ass. Justice
" Edmund M. Wells " "
B. B. De Mure Deputy Marshal
J. E. Hatten Clerk
Thomas F. Wilson U.S. Attorney

F. B. Sheridan was appointed and sworn as Crier for this Court.

In the Matter of the Application of John M. Burnett to be allowed to practice as an attorney and Counselor at Law.

On motion of Wm H. Barnes Esq, and Satisfactory proof of former admission to practice in the District Court of Maricopa County, and evidence of Good Moral Character, it is ordered that John M. Burnett, be and he is hereby admitted to practice as an attorney and Counselor at Law in this and all the inferior Courts of the Territory of Arizona,

In the Matter of the application of H. R. Stone, to be admitted to practice as an attorney and Counselor at Law,

On motion of H. D. Alexander Esq and Satisfactory proof of former admission to practice in the District Court of Pinal County, and Evidence of Good Moral Character, it is ordered that H. R. Stone be and he is hereby admitted to practice as an attorney and Counselor at Law in this and all the inferior Courts of the Territory of Arizona

January Term 1892.
January 11th 1892

In the matter of the application
of Thomas D. Bunch, to be allowed
to practice as an Attorney and
Counselor at Law,

On motion of Allen R. English Esq and
Satisfactory proof of former admission to practice
in the District Court of Apache County, and Evidence
of Good Moral Character, It is ordered that
Thomas D. Bunch be and he is hereby admitted
to practice as an Attorney and Counselor at Law,
in this and all the inferior courts of the Territory
of Arizona,

In the Matter of the application
of Karl A. Snyder to be admitted
to practice as an Attorney and
Counselor at Law,

On motion of E.M. Sanford Esq and
Satisfactory proof of former admission to practice
in the District Court of the 3. Judicial District
of Arizona, and Evidence of Good Moral
Character, it is ordered that Karl A. Snyder
be and he is hereby admitted to practice as
an Attorney and Counselor at Law, in this
and all the inferior Courts of the Territory
of Arizona

It is ordered by the Court that the Marshal
procure and furnish the Clerk of this Court,
the following articles of Stationery, to wit

One Ream of Legal Cap Paper
One Doz Lead Pencils,
" " Pen holders, one box assorted pens
1 bottle of ink, 1 box of rubber bands, large
and 1 box of rubber bands Medium, and
1 Official red tape. For the use of the Court

Monday January 11th 1892

325 T. J. Bryan
vs
George T. Brazos. et al

Ordered that this cause be set for hearing on Wednesday Jan 13th 1892, at 10. o'clock A.M

326 T. J. Bryan
vs
W. H. Pinney et al.

Ordered that this cause be set for hearing on Wednesday, Jan 13th 1892 at 10 o'clock A.M

327 T. J. Bryan
vs
W. H. Hales,

Ordered that this cause be set for hearing on Wednesday Jan 13th 1892 at 10. o'clock A.M.

Court stood at recess until tomorrow Morning at 10 o'clock A.M.

Henry C. Gradin. C.J.
Conducted to wells Jan C.J.
Joseph Kelly A.J.

January Term 1892

Phoenix Tuesday Jan 12th 1892

At 10. O'clock a.m. of this day Court re-convened,

Present Hon Henry C. Gooding Chief Justice
" " Joseph N. Kibbey Asst Justice
" " Richard E. Sloan " "
" " Edmund M. Wells " "
B. B. DeMund Deputy Marshal
J. E. Hatten Clerk pro tem
Thomas F. Wilson U.S. Attorney

In the Matter of the application of Walter Bennett to be allowed to practice as an Attorney and Counselor at Law,

On Motion of Webster Street Esq and satisfactory proof of former admission to practice in the District Court of Maricopa County and Evidence of good moral character, it is ordered that Walter Bennett Esq, be and he is hereby admitted to practice as an Attorney and Counselor at Law, in this and all the inferior Courts of the Territory of Arizona,

The Court appointed, Wm H. Barnes, H.B. Alexander, Geo Wm Herring E. W. Sanford and Joseph Campbell Esqs., to draft suitable Rules of practice, for the Supreme Court, in the speedy transaction of its business, and the rules to be submitted to the Court for its approval,

At the suggestion of Hon Wm H. Barnes, the Court appointed a committee of five, consisting of Wm H. Barnes Webster Street, Thomas L. Bunch Allen R. English and Clark Churchill Esq. to draft suitable resolutions, on the death of the late Hon Harry R. Jeffers, late Attorney for the Territory of Arizona

Phoenix Jan 12th 1892

At the suggestion of the Hon. William Herring, and as a mark of respect to the memory of the late Judge Wm C. Hazledine, deceased late a Member of this bar, it is ordered that this Court Stand at recess until tomorrow Jan 13th 1892, at 10. o'clock A.M.

Henry C. Gooding C.J.
Joseph H. Kibbey A.J.
Joseph H. Kelly A.J.

Regular January Term 1892

Phoenix, Wednesday Jan 13th 1892

At 10. o'clock A.M. of this day Court re-convened,

Present Hon Henry C. Gooding Chief Justice
" " Joseph H. Kibbey Asst Justice
" " Richard E. Sloan " "
" " Edmund H. Wells, " "
Thomas F. Wilson U.S. Attorney
B. B. De Neve Deputy Marshall
J. E. Walker Clerk & Others

335

Frank Broad et al
Appellant
vs
Francis Veidal
Appellee

Now comes Allen R English Attorney for Appellee & moves the Court & dismiss the Appeal in this cause, on motion heretofore filed, which motion was submitted to the Court on briefs, for its consideration, and by the Court taken under advisement

January 13th 1892.

232 H. D. Amaverro
Appellant
vs
J. J. Harkins
Appellee.

On Motion of E. M. Sanford Esq counsel for Appellant, and with the consent of the Attorney General. Wm Nevering, it is ordered that the present Territorial Auditor Thomas Hughes be substituted, the party Appellee in this cause, and it is further ordered that this cause be submitted on briefs, Appellee allowed reasonable time to file brief.

256. The Territory of Arizona
Appellee
vs.
The persons firms corporations, associations Lands Real Estate and Property Described in the Delinquent List of the County of Mohave for the Year 1887,
Appellant;

Appeal of the Atlantic & Pacific Railroad Co
Judgment on Stipulation for Dismissal,

Comes now this cause on to be heard upon the Motion of the Atlantic & Pacific Railroad Company for the Dismissal of this cause as per Stipulation now filed, and Comes the said Company by its Attorney Hall & Snyder and E. M. Sanford, and comes the plaintiff the Territory of Arizona by William Nevering, Attorney General of said Territory, and Wm G. Blakely, District Attorney of the County of Mohave, and there upon in support of said Motion the said Appellant submits this Court a Stipulation of which the following is a true Copy.

Stipulation of Dismissal.

It is hereby agreed and Stipulated by and between the respective parties to this suit that the same is a thing in differ[illegible]

January 13th 1892

Entitled action have been wholly and finally settled, determined, and ended by the parties hereto, the consideration whereof it is further agreed and stipulated that the above entitled action shall be, and the same is, hereby finally dismissed without costs,

Dated Phoenix, Ariz. Jan 13th 1892,

The Territory of Arizona, Plaintiff and Appellee
By William Herring, Attorney General of the Territory of Arizona,
Wm J. Flakely, District Attorney of the County of Mohave Territory of Arizona
The Atlantic and Pacific Railroad Company
By Karl A. Snyder E. M. Danford its Attorneys,

And the Court having heard said stipulation read and heard the arguments of Counsel thereon, does, by reason of said stipulation, and with the Consent of the respective parties to this action,

Order and adjudge that the above action be, and the same is hereby, finally dismissed, without costs to either party,

And it is further ordered that the Clerk issue the Writ of Mandate to the Court below, in accordance herewith

The Territory of Arizona
Plaintiff & Appellee

276

vs

The Persons, Firms, Companies - Corporations, Associations Lands Real Estate, and property described in the Delinquent list of the County of Mohave for the year 1888,
Defendant & Appellant

Appeal of the Atlantic & Pacific Railroad Company
Judgment on Stipulation for Dismissal

Comes now this cause on to be heard upon the motion of the Atlantic & Pacific Railroad Company for the dismissal of this cause as per stipulation on file and comes the said Company by its attorney Karl A Snyder and E. M. Danford, and comes the Plaintiff The Territory of Arizona, by William Herring, Attorney General of said Territory, and Wm J. [illegible] Attorney of the County of Mohave

January 18th 1892

and thereupon in support of said motion the said Appellant submits to this Court a Stipulation, of which the following is a true copy,

Stipulation of Dismissal

It is hereby agreed and stipulated by and between the respective parties to this suit that the matters and things in difference and in litigation in the above entitled action have been wholly and finally settled, determined, and ended by the parties hereto, and accordingly it is further agreed and stipulated that the above entitled action shall be, and the same is, hereby finally dismissed without costs, Dated Phoenix, Ariz, January 18th 1892,

The Territory of Arizona, Plaintiff and Appellee
By William Herring, Attorney General of the Territory of Arizona
Wm J. Blakely, District Attorney of the County of Yavapai, Territory of Arizona,

The Atlantic and Pacific Railroad Company
By Paul A. Snyder. E. M. Sanford its Attorneys

And the Court having heard Stipulation read and heard the Argument of Counsel thereon, does, by reason of said Stipulation and with the consent of the respective parties to this action,

Order and Adjudge that the above action be, and the same is hereby, finally dismissed, without costs to either parties,

And it is further ordered that the Clerk do issue the Writ of Mandate to the Court below, in accordance herewith

Territory of Arizona
Plaintiff & Appellee,
vs
282
The Persons, Firms, Companies
Corporations Associations Sows,
Real Estate and Property described
in the Assessment List of the County
of Apache for the Year 1888,
Defendant & Appellant

Appeal of the Atlantic and Pacific Railroad Company
Judgment and Order [illegible]

January 18th 1892

Comes now this cause on duly record upon the Motion of the Atlantic & Pacific Railroad Company for the dismissal of this cause as per stipulation on file, and comes the said Company by its Attorney Karl A. Onyons and E. N. Sanford and comes the Plaintiff, the Territory of Arizona, by William Herring, Attorney General of said Territory, and T. B. Bunch, District Attorney of the County of Apache, and thereupon in support of said motion the said Appellant submits to this Court a stipulation, of which the following is a true copy:

Stipulation of Dismissal,

It is hereby agreed and stipulated by and between the respective parties to the suit that the matters and things in difference and in litigation in the above entitled action have been fully and finally settled, adjusted; and ended by the parties hereto, in consideration whereof it is further agreed and stipulated that the above entitled action shall be and the same is, hereby finally dismissed without costs,

Dated January 18th 1892

The Territory of Arizona, Plaintiff and Appellee.
By William Herring, Attorney General of the Territory of Arizona
T. B. Bunch, District Attorney of the County of Territory of Arizona,
The Atlantic & Pacific Railroad Company,
By Karl A. Onyons E. N. Sanford its attorneys

And the Court having heard said stipulation and heard the agreements of Counsel therein, does, by reason of said stipulation, and with the consent of the respective parties to this action,

Order and adjudge that the above entitled action be, and the same is hereby, finally dismissed without costs to either party.

And it is further ordered that the Clerk do issue the Writ of Mandate to the Court below in accordance herewith,

January 18th 1892

325 T. J. Bryan
vs
George T. Brassins et al

This cause came on regularly to be heard by the Court, Ben Goodrich and Webster Street appearing for the Appellant, and Clark Churchill appeared for the Appellees,

Whereupon the argument to the Court, by Ben Goodrich Esq. Counsel for Appellant, and pending the argument of Counsel for Appellant, Court stood at recess until tomorrow morning at 10. o'clock

326 T. J. Bryan
vs
D. N. Pinney et al.

This cause came on regularly to be heard by the Court, Ben Goodrich and Webster Street. Esq appearing for Appellant and Barnes and Campbell appearing for Appelles,

Which Cause was argued to the Court by Ben Goodrich Esq Counsel for Appellant, and pending the argument, Court stood at recess, until tomorrow morning at 10 o'clock a.m.

327 T. J. Bryan
vs
W. H. Kales

This cause came on regularly to be heard by the Court, Ben Goodrich and Webster Street Esq. appearing as Counsel for Appellant and Baker & Campbell appearing for Appellee,

Which Cause was argued to the Court by Ben Goodrich Esq. Counsel for Appellant and pending the argument, Court stood at recess until tomorrow Morning at 10 o'clock a.m.

Henry B. Gordon Jr.
Endorsed Circuit Clerk

January Term 1892
Phoenix Jan 14th 1892

At 10 o'clock of this day Court re-convenes

Present Hon Henry C Gooding chief Justice
" Joseph A. Kibbey asst Justice
Richard E. Sloan "
Edmund A. Wells "
Thomas F. Wilson U.S. Attorney
B. B. DeMord Deputy Marshal
J. E. Watkins clerk and crier

328 The San Pedro Cattle Co
Appellant
vs
F. M. Williams
Appellee

Ordered that this cause be set for hearing on Wednesday Jan 20th 1892 at 2 o'clock P. M. Sloan J. Not Sitting

325 T. J. Bryan
Appellant
vs
George T. Brosnan et al
Appellees

The argument of this cause was resumed, respective counsel present, cause was argued to the court by Clark Churchill Esq counsel for appellee, followed by Ben Goodrich Esq counsel for appellant, The argument being closed, the cause was submitted and by the Court taken under advisement, Kibbey J. Not sitting

326 T. J. Bryan.
vs
R. A. Pinney et al

The argument of this cause was resumed, respective counsel present, cause was argued to the court by Baker and Campbell Esq Counsel for appellees, and followed by Ben Goodrich Esq for appellant, The argument being closed the cause was submitted, and by the Court taken under advisement

~~Kibbey J. Not sitting~~

January 14th 1892

327 T. J. Bryan
vs
W. H. Hales

The argument of this cause was resumed respectively Counsel present, Cause was argued to the Court by Bryan and Campbell Esqs. Counsel for Appellee, and followed by Ben Goodrich Esq Counsel for Appellant, The argument being closed, The Cause was submitted and by the Court taken under advisement, Kibbey J. not sitting

Report of Committee on Rules
Phoenix Ariz
Jan 14th 1892

To the Supreme Court
of Arizona,

Your Committee appointed heretofore by the Court to report to the Court a draft of Rules for the Supreme and District Courts of the Territory, Comes here and reports that they have prepared a draft of rules for the Supreme Court which they have submit to the Court,

The Committee reports further that they are considering a draft of rules for the District Court which they will beg to have in report hereafter

Respectfully
Wm H. Barnes
Jas. Campbell
A. B. Alexander

Court drives at Recess until tomorrow Morning at 10 o'clock

Henry G. Goodrich Esq -
Entered Counsel -
Joseph H. Kibbey, A. J.

January Term 1892
Thursday Jan 28th 1892

At 10. o'clock a m of this day Court re-convened

Present Hon Henry C. Gooding Chief Justice
" Joseph A. Kibbey asst Justice
" Richard E. Sloan " "
Edmund A. Stockslager " "
Thomas F. Nelson U.S. attorney
B. B. McNeil Deputy Marshal
J. E. Hakes Clerk, and Crier

Court then took recess until tomorrow morning at 10 o'clock,

Henry C. Gooding, C.J.
Edmund A. Stockslager, A.J.
Joseph A. Kibbey, A.J.

January Term 1892
Thursday Jan 16th 1892

At 10. o'clock a.m. of this day Court re-convened

Present Hon Henry C. Gooding Chief Justice
" Joseph A. Kibbey asst Justice
" Richard E. Sloan " "
Edmund A. Stockslager " "
B. B. McNeil Deputy Marshal
J. E. Hakes Clerk
and Crier

69 In the matter of the application of J. J. Smith, for a writ of Habeas Corpus.

On motion and by consent of all parties, it is ordered that this cause be submitted on briefs, the Attorney General allowed 90 days to file brief on the part of the Territory, and 30 time thereafter allowed appellant to file brief in reply.

January 16th 1892

317 John Braneoni
Appellant
vs
Parley Smith
Appellee.

This cause having been heretofore submitted to the Supreme Court for decision and Judgment, and having been by the Court taken under advisement and the Court having duly considered the same and being sufficiently advised in the premises, comes now in open court on this 16th day of January 1892, and renders its decision and judgment affirming the decision and judgment rendered by the lower Court herein,

Wherefore it is by the Court ordered adjudged and decreed that the Judgment and decision rendered herein by the District Court of the 3d Judicial District of the Territory of Arizona, in and for the County of Yavapai, and from which the appeal was taken, be and the same is in all respects affirmed,

It is therefore ordered adjudged and decreed that the Appellee herein Parley Smith, do do have and recover of John Braneoni the Appellant, and from J. H. Otis and M. Maier the Sureties on the appeal bond herein, his costs, in this behalf incurred and Expended Tax at the sum of Twenty five $\frac{50}{100}$ Dollars

Opinion rendered by Associate Justice Richard E. Sloan, Associate Justice Joseph H. Kibbey Concurring

Presiding Chief Justice having tried the case with the Circuit Judge took no part in its decision here

January 16th 1892

318

Charles F. Johnston
appellant
vs
James Nelson Maggie
Nelson Enc Michael Mangum
appellees

The motion to dismiss the appeal in this cause having heretofore been filed, and having been fully considered by the Court, and the Court being fully advised in the premises it is ordered and adjudged that the appeal in this cause be dismissed, and the same is hereby dismissed,

And it is further ordered & adjudged that the appellee recover of the appellant his costs herein,

--

Opinion rendered by Hon Henry C. Gooding Chief Justice, Associate Justices Richard E. Sloan, Joseph H. Kibbey and Edmund W. Wells concurring,

293

George Shultz et al
appellant
vs
William Keyser
appellee,

This cause having heretofore on the 14th day of April 1890, been argued submitted and by the Court taken under advisement, and the Court being fully advised in the premises

Wherefore it is by the Court ordered, adjudged and decreed that the judgment and decision rendered herein by the District Court of the 2nd Judicial of the Territory of Arizona, in and for the County of Pima, and from which this appeal was taken, be and the same is in all respects affirmed,

It is further ordered, adjudged and decreed that the appellee William Keyser do have and recover of the appellants, and George J. Berry and A. H. Emanuel the sureties of this appeal bond, his costs, taxed at Thirty three 65/100 ($33.65) Dollars.

January 16th 1892

and it is further ordered that the appellee recover of the appellant his costs in this court taxed at Eight $\frac{50}{100}$ ($8.50) dollars

Opinion by Kibbey J. Gooding C.J. Sloan J & Wells J. concurring-

312

Kansas City Mining and Milling Co
vs
James H. Clay
Appellant
Appellee,

This cause having heretofore on the 5th day of June 1890, been argued & submitted & by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, it is ordered that the Judgment of the lower Court be and the same is hereby reversed and set aside, and a new trial granted, and it is further ordered that the District Court of the 4th Judicial District of the Territory of Arizona in and for the County of Yavapai, upon the receipt of the Mandate of this Court, do grant the motion for a new trial, and take such proceedings herein in accordance with the opinion herein, and it is further ordered adjudged and decreed that the appellant the Kansas City Mining and Milling Company, recover of the appellee James H. Clay its costs by it in and about this suit in this Court laid out and expended taxed at One hundred and forty five $\frac{0}{100}$ dollars

Opinion Rendered by Hon Richard E. Sloan associate Justice, Henry C. Gooding Chief Justice and Joseph H. Kibbey Associate Justice Concurring

Hon Edmund W. Wells asst Justice not having participated in the hearing of this cause Expressed no opinion

January 16th 1892

64

William Jones
appellant
vs
Territory of Arizona
appellee.

This cause having heretofore been submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, It is ordered adjudged and decreed, that the Judgment of the lower Court be and the same is hereby reversed, and the appellant William Jones be awarded a New Trial, and cause remanded to the District Court of the 4th Judicial District of the Territory of Arizona in and for the County of Yavapai for a New Trial

And it is further ordered that the appellant William Jones be remanded to the Sheriff of Yavapai County Arizona Territory, to be by him held until legally discharged,

And it is further ordered that the appellant be admitted to bail in the sum of five (500) Dollars conditioned that he appear at the next Term of the District Court of the 4th Judicial District of the Territory of Arizona in and for the County of Yavapai, and from time to time thereafter as said Court may order, and obey the orders and Judgment of said District Court, Which said bond shall be subject to the approval of said Clerk of the District Court of the 4th Judicial District of the Territory of Arizona, in and for the County of Yavapai,

Judgment by Fleming C. J. Sloan Kibbey & Wells Asst Justices Concurring

January 16th 1892

311 Prescott and Arizona Central Railway Co
Appellant
vs
Samuel Rees, and Springfield Fire and Marine Insurance Co
Appellee.

This cause having heretofore on the 21st day of January 1891; been argued submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises, it is ordered that the Judgment of the lower Court be and the same is hereby reversed and set aside, and a new trial granted and it is ordered that the District Court of the 4th Judicial District of the Territory of Arizona, in and for the County of Yavapai, upon the receipt of the Mandate of this Court, do grant the motion for a new trial, and take other proceedings herein, in accordance with the opinion herein,

And it is further ordered adjudged & decreed that the Appellant the Prescott and Arizona Central Railway Co. recover of the appellee Samuel Rees and the Springfield Fire and Marine Insurance Co, its costs costs by it in and about this suit in this Court laid out and expended, taxed at One hundred and thirty nine. 35/100 ($139.35) Dollars

Opinion rendered by Richard E. Sloan asst Justice, Chief Justice Joseph H. Kibbey Concurring,

Edmund W. Wells asst Justice not participating in the hearing of the case, took no part in its determination

January 16th 1892

In the matter of the application
of E. E. Ellsworth to be allowed
to practice as an Attorney and Counselor
at Law,

On motion of John C. Herndon Esq
and satisfactory proof of former admission
& practice in the District Court of Yavapai
County, and evidence of Good Moral Character
It is ordered that E. E. Ellsworth, be and he
is hereby admitted to practice as an Attorney
and Counselor at Law in this and all the
inferior courts of the Territory of Arizona

Court then at Recess until Monday
January 18th 1892 at 10 Oclock A. M.

Henry C. Gridley J. P.
Emmet Ellsworth J. P.
Joseph H. Kibbey J. P.

January Term 1892
Phoenix Monday Jan 18th 1892

At 10. O'clock A.M of the day Court reconvened

Present Hon Henry C. Gooding Chief Justice
" " Joseph H. Kibbey Asst Justice
" " Richard E. Sloan " "
Edmund A. Wells " "
Thomas F. Wilson U.S Attorney
B. B. De Wire Deputy Marshal
J. E. Watkins Clerk
Viva Voce

In the Matter of the Application of James A Wright to be allowed to practice as attorney and Counselor at Law,

On Motion of John C. Herndon Esq. James A. Wright was admitted to practice in the Supreme Court of the Territory and all the Inferior Courts of said Territory on taking the oath and signing the role of Attorney,

71 John Chorlton
appellant
vs
Territory of Arizona
appellee

Ordered that this cause be set for hearing on tomorrow 1.30 O'clock P.M.

Court closed at recess until tomorrow Tuesday Jan 19th 1892 at 1.30 o'clock P.M.

Henry C. Gooding C.J.
Edmund A. Wells Ass.J.
Joseph H. Kibbey A.J.

January Term 1892
Phoenix Tuesday Jan 19th 1892

At 1,30 o'clock P. M. of this day Court
Reconvened,

Present Hon Henry C. Gooding Chief Justice
" " Joseph H. Kibbey Asst Justice
" " Richard E. Sloan " "
" " Edmund A. Wells " "
B. B. De Noon Deputy Marshal
J. E. Hakins Clerk,
Came the Grand

71 John Chorlton
Appellant
vs
Territory of Arizona
Appellee

This cause came on regularly to be heard by the Court, John C. Norcum & E. E. Ellinwood and Judge Jos H. Wright appeared for the appellant and Attorney General William Herring, appeared on the part of the Territory,

Cause was argued to the Court by counsel for appellant, Attorney Gen'l made his argument and on motion 30 days time was allowed Atty Gen'l to file brief - and 30. days additional time allowed appellant to file briefs in reply - this on filing such briefs cause is submitted,

On motion of J. C. Norcum the testimony of Robert Miller is ordered to be stricken from the statement of facts in this cause,

Wells. J. Not sitting

Court State at recess until 10 o'clock to-morrow morning.

Henry C. Gooding C.J.
Edmund A. Wells Ass't J.
Joseph H. Kibbey, A.J.

January Term 1892

Phoenix Wednesday Jan 20th 1892

At 10 o'clock A. M. of this day Court
Reconvened,

Present Hon Henry C. Fleming Chief Justice
" Joseph H. Kibbey Asst Justice
" Richard E. Sloan, " "
" Edmund H. Wells, " "
B. B. De Wese Deputy Marshal
J. E. Walker Clerk
and Crier

72, David B. Shanklin
Appellant
vs
Territory of Arizona
Appellee,

On motion, it is
Ordered that leave be granted attorney 30 days to file brief, and cause is submitted on the filing of said briefs.
Sloan & Kibbey.

331 H. B. Shanklin et al
Appellant
vs
Geo. Morlan
Appellee

Ordered that this cause be set for hearing on Friday Jan 22, 1892.

H. H. Portlie
306 Plaintiff
vs
Thomas Hughes
Territorial Auditor
Defendant

Order that leave be granted atty 30 days to file brief in this cause

January 20th 1892

307 Wm N. Bowes
Plaintiff
vs
Thomas Hughes
Percival Anable
Defendant

Ordered that leave be granted Attorney 30 days to file brfs in this cause.

332 Arizona Central Bank
Appellant
vs
E. H. Mitchell
Appellee

On Motion leave is granted Counsel for appellee 40 days to file brief, and Motion to dismiss cause, and cause is submitted on the filing of said brief & motion,

328 The Dos Pedro Cattle Co
Appellant
vs
J. W. Williams
Appellee

On this day come up regularly to be heard the Motion of J. W. Williams appellee, for an affirmance of the Judgment of the lower court on the Grounds that no assignment of Errors was filed in the Court below and that the record in the case forwarded, for this Court to review and for Judgment against the Appellee on the appeal bond Selim M. Franklin. Esq appearing as Counsel for said appellee, and Frank H Hereford as Counsel for the Dos Pedro Cattle Co Appellant, The Court having heard the argument of Counsel, and said Motion being submitted for its decision, took the same under advisement, and allowed the respective Counsel time to file additional brfs.

The said cause came on for trial on the merits, ~~and after hearing the argument of the~~

January 20th 1892

Respective counsel, the said cause was submitted to the Court for its decision, Ten days time was allowed to counsel for appellee to file his brief, and ten days time after service thereof upon counsel for appellant to file his reply thereto,

Sloan, J. not sitting,

334 John Bishop
appellant
vs
E. B. Brown
appellee,

Now come the appellee by his counsel Messrs Bolarnin & Johnston and files his motion to dismiss the appeal, which is as follows,

The said appellee moves the said Court to dismiss the appeal of the appellant herein, because that this Court has no jurisdiction of the said appeal,

Bolarnin & Johnston
attorneys for appellee

Court adjourned at recess until tomorrow morning at 10 o'clock

Henry C. Gerding, C. J.
Edwd. H. Wells, A. J.
Joseph M. Kilbuck, A. J.

January Term 1892
Thursday Jan 21st 1892

At Ten o'clock a.m of this day court re-commenced

Present Hon Henry C. Gooding Chief Justice
" Joseph St Kibbey Asst Justice
" Richard E. Sloan " "
" Edmund St Wells " "
" E. B. Dewsnup Deputy Marshal
" J. E. Hatten Clerk & the Court

334 John Bishop
Appellant
vs
E. B. Perrine
Appellee

By consent of respective counsel, it is ordered that the Certificate of Clerk of the Lower Court to the date of the adjournment of the District of Cocorino Co be filed with the Records in the Cause, and it is further ordered that the Motion heretofore taken to dismiss Appeal in this Cause be submitted to the Court for decision,
Wells. J. Not Sitting,

329 Delos Arnold
vs
William Christy

This Cause is this day submitted on briefs, and by the Court taken under advisement,
Kibbee, J. Not Sitting

330 W. T. Gray Esq
Geo W. Tarleton
vs
William H. Robinson

Ordered that this Cause be submitted on briefs, each Side is granted 30 days to file briefs, and 20 days thereafter is allowed Appellee to file his brief. and 10 days after the expiration thereof upon which for Appellant to file his reply thereto, Gooding C. J. Not Sitting

January Term 1892

R. E Torrington
appellant
vs
Byron Jackson
appellee

Now comes the appellee by his counsel C.F. Ainsworth Esq- and files his Motion to dismiss the appeal in this cause which is as follows,

Now Comes the above named appellee by C.F, Ainsworth his attorney and moves the Court to affirm the Judgment of the Court below against the appellant R.E. Torrington and his Sureties R.S. Rasson and Neri Osborn for the reason, that the appellant has failed to file a transcript of the record with the clerk of the Supreme Court on or before the first day of the term of said Court next succeeding, after the appeal was perfected herein, said appeal having been perfected on the 8th day of July 1891 as shown by the certificate of the clerk of the District Court and copy of appeal bond filed herein -

C.F. Ainsworth
Attorney for Plaintiff & appellee

339 R. E. Torrington
appellant
vs.
Byron Jackson
appellee

It appearing to the satisfaction of the Court by the certificate of the Clerk of the District Court of Morrison County, that the appeal herein was perfected on the 8th day of July A.D. 1891, by appellant filing an appeal bond with the Court as required by law, with R.S. Rasson and Neri Osborn as sureties, a copy of which bond is attached to said certificate and that the appellant has failed to file with the clerk of this Court on or before the first day of the next succeeding term of Court, after said appeal was perfected, and one month of the [illegible]

January 21st 1892

Now on Motion of C. F. Ainsworth attorney for the appellee, Byron Jackson, it is considered and adjudged by the Court that the Judgment of the Court below herein on the 5th day of June 1891 in favor of the appellant herein against the appellee herein for the sum of Three hundred Thirty six $\frac{69}{100}$ Dollars be and the same is in all respects affirmed, and that the appellee Byron Jackson, do have and recover of the appellant R. E. Torrington and his Sureties Neri Osborn and R. S. Russum the sum of Three hundred thirty six $\frac{69}{100}$ Dollars, with interest thereon since June 5th 1891, at the rate of one per cent per month, together with appellee Costs in this Court taxed at Nine $\frac{50}{100}$ ($9.50) Dollars, Decree C. J. Not Sitting,

Court stood at recess until tomorrow Morning at 10 O'clock

Henry C. Gooding, C.C.
Edmund D. Wells
Joseph T. Kelley. J.J.

January Term 1892

Phoenix Friday Jan 22nd 1892

At 10 o'clock am of this day Court re-commenced

Present Hon Henry C. Gooding Chief Justice
" Joseph A. Kibbey Asst Justice
Richard E. Sloan " "
Edmund A. Wells " "
B. B. McNeil Deputy Marshal
J. E. Watkins Clerk and Ex Officio

331 N. B. Slaughter et al
Appellant
vs
George Morlan et al
Appellee

For good cause shown it is ordered that the hearing of this cause be reset for hearing on Monday January 25th 1892.

Court close at recess until tomorrow Monday at 10 o'clock.

Henry C. Gooding C. J.
Edmund A. Wells A. J.
Joseph A. Kibbey A. J.

January Term 1892.

Phoenix Saturday Jan 23d 1892

At 10 O'clock a.m. of this day Court reconvened

Present Hon Henry C. Fearing chief Justice
" Joseph H. Kibbey asst Justice
" Richard E. Sloan " "
" Edward H. Wells " "
B. B. DeMund Deputy Marshal
J. E. Mathews Clerk, & the Court

On the Matter of the Application
of George M. Young for a Writ
of Habeas Corpus.

Comes now the applicant by his attorney Morris Baldwin Esq, and by leave of the Court dismisses his application for a Writ of Habeas Corpus, Whereupon it is ordered by the Court that the said application be, and the same is hereby dismissed,

340

The Jackson County Bank
Appellant
vs
Charles T. Ainsworth
Appellee

Now comes the above named Charles T. Ainsworth and moves the Court to dismiss the appeal herein for the reason that said Court has no jurisdiction either of the parties hereto or of the subject matter in controversy, The want of jurisdiction arises from the fact that the bond on appeal herein was not filed with the Clerk of the Court below within three days after the Expiration of the term at which the judgment was rendered as prescribed by Sec 849 page 186 R S 1887.

The appellee further moves the Court that in case it should hold that it has jurisdiction herein then that the judgment of the Court below be affirmed for the reason that the appellant has failed to file a Transcript of the record with the Clerk of this Supreme Court on or before the first day of the next

January 23rd 1894

Pursuant to notice of said Court duly given the
appeal herein was heretofore set down for hearing
said appeal having been heretofore at all more
than thirty days prior to the first day of the term
of this Court, and the appellee moves the Court that
by said judgment be affirmed that it be affirmed
against the Sureties on the appeal bond as well as
against the principal,

Charles F. Ainsworth
Respt and Appellee

317 John Bianconi
Appellant
vs
Parley Smith
Appellee

Now comes the appellant by his
Attorney Bolcrim & Johnston, and moves for
an order of this Court to be allowed to
amend their complaint in the Superior Court in
this action,

Court stood at recess until Monday
Monday at 10. o'clock. Jan 25th 1894

Lewis G Gooding J.S.C.
Edmund Wells A.J.
Joseph H Kelly A.J.

January Term 1892

Phoenix Monday Jan 25th 1892

at 10 O'clock A.M. of this day Court re-convened

Present Hon Henry C. Gooding Chief Justice
" Hon Richard E. Sloan Asst Justice
" Edmund A. Wells " "
B. B. D. Muro Deputy Marshal
J. E. Walker Clerk & Ten Crier

331 M. B. Staughlin et al
Appellant
vs
Jorge Morlon et al
Appellees

This Cause Coms on regularly to be heard by the Court, M. Brent Esq appearing for the Appellants, and Messrs Burke & Campbell appearing for the appellees,

Said Cause was argued to the Court by Counsel, Submitted, and by the Court taken under advisement, With the motion to dismiss Appeal,

Tibbey J. not sitting

Court stood at recess until tomorrow morning at 10 O'clock

Henry C. Gooding C.J.
Edmund A. Wells J.P.
Joseph A. Tibbey J.

January Term 1892

Phoenix Tuesday Jan 25th 1892

At 10 o'clock a.m of this day Court reconvened

Present Hon Henry C. Gooding Chief Justice
" " Joseph N. Kibbey Asst Justice
Richard E. Sloan " "
Edmund A. Wells " "
B. B. DeHaven Deputy Marshal
J. E. Stabler Clerk
and the Court

On the motion of the application
of William Lorman for a writ
of Habeas Corpus.

Now comes J. C. Israel Counsel for petitioner, and moves the court for a writ of Habeas Corpus, it is ordered that writ may issue, made returnable Thursday Jan 28th 1892 at 2. o'clock P.M

On the motion of the
appointment of Clerk
of the Supreme Court

Be it ordered that the resignation of John E Stabler as clerk of this Court heretofore tendered at and during the adjourned Session 1890, be and the same is now here accepted to take effect upon the qualification of his successor, and it is now further ordered, That Thomas D. Hammond of the City of Phoenix, Arizona, be and he is now hereby appointed Clerk of the Supreme Court of the Territory of Arizona

H. C. Gooding C. J.
Joseph H. Kibbey A. J.
Edmund A. Wells A. J.
Richard E. Sloan A. J.

January 26th 1892

281 George T. Martin and
A. D. Cincannon Assignee
Appellant

vs

Wells Fargo & Co
Express, Appellee,

This cause having heretofore been argued
submitted, and by the Court taken under advisement
and the Court being fully considered the same
and being fully advised in the premises,

Therefore it is ordered adjudged, and decreed that
the Judgment and decision rendered herein by
the District Court of the 1st Judicial District
Territory of Arizona in and for the County of
Pima, and from which this appeal was taken,
be and the same is in all respects affirmed,

It is further ordered and adjudged that the
Appellee recover of the appellant his costs in this
Court taxed at ($14.20) Fourteen 40/100 Dollars

Opinion rendered by Sloan J. Gooding C. J.
Kibbey J. & Wells J. concurring.

Graham County
Appellant

vs

313 William O. O'Neil
Appellee

This cause having heretofore on the 29th day
of Jan 1891 been argued submitted and by the court
taken under advisement and the Court having
fully considered the same and being fully advised
in the premises, Therefore it is ordered that
the Judgment rendered by the District Court of
Graham County Arizona Territory, and from which
this appeal is taken, be and the same is hereby
reversed, and cause remanded with instruction
to the Lower Court to ascertain the amount due
the Complaint, It is further ordered that the appellee
recover of appellee, his costs in and about this
appeal to be taxed at $13.25

January 26th 1892

Opinion by Kibbey J.

302 Sarah Morris
Appellee
vs
M. A. Normark et al
Appellants
Appellant

The Motion for a Rehearing in this cause having heretofore been submitted and by the Court taken under advisement and the Court having fully considered the same.

Therefore it is Ordered, that the Motion for a Rehearing in this Cause be and the same is denied,

Opinion by Wells, J. Groding C. J. & Sloan J. ~~Concurring~~ J. Concurring
Kibbey J. Not Sitting

260 Nancy Smith Et
Appellant
vs
B. Blackmore.
Appellee

This cause having heretofore been argued submitted, and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises,

Therefore it is Ordered that the Judgment and decision rendered herein by the District Court of the County of Cochise Arizona Territory, and from which this appeal was taken, be and the same is in all respects affirmed,

It is further ordered and adjudged that the appellee recover of the appellant ~~his~~ costs in the Supreme Court taxed at ~~Eight~~ Dollars

Opinion by Sloan J. Groding C. J. Kibbey J.
& Wells J. Concurring

January 26th 1892

334 John Bishop
Appellant
vs
E. B. Perrin
Appellee

The Motion heretofore filed and entered in this cause to dismiss the appeal, having been submitted to the Court, and by the Court taken under advisement, and the Court being fully advised in the premises.
Wherefore it is Ordered that the appeal in this cause be and the same is hereby dismissed
And it is further ordered that the appellee recover of the appellant his costs in this Court to be taxed at Twelve $ ($12.00) Dollars

Opinion by Groning C.J. Kibbey J. and Sloan J. Concurring.
Wells J. Not sitting

290 The County of Cochise
Appellant
vs
A. J. Ritter, as county Treasurer and Ex officio Tax collector of said County and R. B Clark et al
Appellee

The Motion heretofore, submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises,
Wherefore it is ordered that the Motion for a Rehearing in this cause, be and the same is hereby denied, ~~and it is further ordered that the appellee recover~~

Opinion by

January 26th 1892

325 T. J. Bryan
vs
J. T. Broadnax et al

On Motion of M. Obert Esq, it is ordered that leave be granted appellant 20 days to file supplementary briefs -

227 T. J. Bryan
appellant
vs
W. M. Sales
appellee

On Motion of M. Obert Esq. it is ordered that leave be granted appellant 20 days to file supplementing briefs in reply -

340 The Jackson County Bank
appellant
vs
Charles T. Ainsworth
appellee

On Motion leave was granted appellant to file certificate of Clerk

Henry C. Granberry. C.J.
Edmund D. Webb. A.J.
Joseph H. Kelley. A.J.

January 26th 1892

304 Springfield Fire and Marine Insurance Company of Springfield Massachusetts. Appellant

vs

William J. White

Appellee

This cause having heretofore been submitted to this Court by the respective parties, on the record herein and briefs of the respective attorneys for said parties, and said Court having considered the same and having duly and filed the opinion of said Court herein. Affirming the Judgment of the Court below, now therefore it is considered and adjudged by the Court that the Judgment of the Court below be and the same is in all respects hereby affirmed, and that the appellee, William J. White, do have and recover of the appellant The Springfield Fire And Marine Insurance Company, of Springfield Massachusetts, the sum of Thirty four Hundred Eighty four and 18/100 Dollars, being the amount of the Judgment of the Court below, with interest thereon from the 11th day of December A.D. 1889, at the rate of seven per cent per annum until paid, together with the further sum of Thirty Nine and 90/100 Dollars costs of appellee by him incurred in defending his said Judgment in this Court

Opinion by Gooding, C. J. Sloan J. and Hall J. Concurring
Kibbey J. Not sitting

Henry C. Gooding, C.J.
Emmett Wilcox Hall J.
Joseph Kibbey. A.J.

January Term 1892

Phoenix Arizona Jan 27th 1892

At 10. O'clock A. M. of this day court re-commenced

Present Hon Henry C. Fleming Chief Justice
" Joseph H. Kibbey asst Justice
" Richard E. Sloan " "
" Edmund H. Wells " "
B. B. De Neve Deputy Marshal
J. E. Hatten Clerk
and the bailiff.

333 Price N. Butler as
administrator of the estate
of Georgia Butler deceased
Appellant
vs
Trinidad Ohnmacht and
N. Ohnmacht,
Appellees

Ordered that this cause be submitted on
briefs, leave granted appellant & appellee 10
days to file briefs.

338 Louis Liebes and
Jacob Liebes
Appellants
vs
Nettie E. Duffy
Appellee,

Ordered that this cause be submitted
on briefs, appellee allowed 20 days to
file brief and 10 days thereafter is allowed
appellant to file brief in reply

January 27th 1892

Know all men by these presents that We Thomas D. Hammons principal and Walter Talbot and William Christy Sureties all of the City of Phoenix in the Territory of Arizona, Each acknowledge ourselves We bound unto the Territory of Arizona in the sum of Five Thousand Dollars, ($5000.00) to the payment whereof well and truly to be made We Each severally bind ourselves and here Executors and administrators.

Witness our hands and seals this 27th day of January A.D. 1892

The Condition of the obligation is that Whereas the above bound Thomas D. Hammons has been duly appointed clerk of the Supreme Court of the Territory of Arizona

Now if the said Thomas D. Hammons shall faithfully perform the duties of his said office and pay over all moneys which may come into his hands as such clerk, to the persons, officers or body entitled by law to receive the same then this obligation shall be void and of no effect,

Signed and sealed at Phoenix this 27th day of January A.D. 1892

Thomas D. Hammons (Seal)
William Christy (Seal)
Walter Talbot (Seal)

Territory of Arizona.
County of Maricopa

On this 27th day of January A.D. 1892 personally appeared before me a Notary Public in and for said county Walter Talbott and William Christy the persons who subscribed the foregoing bond, being duly sworn each upon his oath says he is ~~bound upon his oath~~ worth over and above his indebtedness and the amount exempt by law from Execution the sum of Five Thousand ($5000.00) Dollars

William Christy
Walter Talbot

Subscribed and sworn before me this 27th day of January A.D. 1892 Bruce Burlingame Notary Public

January 27th 1892

Territory of Arizona
County of Maricopa.

Before me Charles N. Kneff Clerk of the District Court of the Third Judicial District of the Territory of Arizona in and for the County of Maricopa This 27th day of January A.D. 1892 Personally comes Thomas D. Hammond, who being duly sworn by me says-

I. Thomas D. Hammond do solemnly swear that I will support the constitution of the United States and the laws of the Territory of Arizona, that I will bear faith and allegiance thereto, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Clerk of the Supreme Court of the Territory of Arizona according to the best of my ability, so help me God,

Thomas D. Hammond

Subscribed and sworn to before me this 27. day of January A.D. 1892

Seal

Charles N Kneff
Clerk Dist Court & Ex Officio
Clerk in & for Maricopa Co

(Endorsed) Approved by me January 27th 1892
A. C. Gowing C. J. Jos H Kibbey A. J. Richard E. Sloan A. J.

Whereas, J. E. Wakefield, Clerk of the Supreme Court of Arizona Territory, has presented to the Court an account of services rendered by him at the regular January Term thereof, held at Phoenix, Arizona January 11th 1892, and has sworn on oath to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated, and it also appearing to the Court from the records, that upon the days above mentioned Court was open for business or business was actually transacted and whereas account appears to be just and according to law,
It is therefore Ordered, that the said account, amounting to the sum of $159.00 be and the same is hereby approved

Court drawn at recess until tomorrow, at 2 O'clock P. M.

Henry G. Hamilton, Esq.
Edward W. Wells, Esq.
Joseph H. Kibbey, Esq.

January Term 1892

Phoenix Thursday January 28. 1892

At Two Oclock P.M. of this day Court re-convened

Present - Honorable Henry C. Gooding Chief Justice
" Joseph H. Kibbey Asso " Justice
" Richard E Sloan " "
" Edmund W. Wells " "
B. B. De Murr Deputy Marshall
T. D Hammond Clerk
and the Crier -

333 Price M Butler as Admr'x Etc
-vs-
Trinidad Shumaker
vs
N. Shumaker

On motion of W A Buck Counsel for Appellant, leave is granted Appellant Twenty (20) days to file briefs and reply

74 In the matter of the Application of Wm Varnum for a Writ of Habeas Corpus

Comes now the Defendant in this cause and Thos. J Wilson United States Attorney, and brings with him the body of the said Wm Varnum and files their return to the writ herein issued herein.

On motion the Application is granted until to-morrow morning at 10. O. Clock to traverse to and traverse said return and said applicant is remanded to the custody of the Marshall of the Territory until the further order of this Court -

Court stood at recess until to-morrow morning at 10. O' Clock

Henry C Gooding C.J.
Edmund Wells A.J.
Joseph H Kibbey A.J.

January Term 1892

Provo, Friday January 29. 1892

At 10. O. Clock of this day Court re-convened pursuant

Present

Honorable Henry C. Goodwin Chief Justice
" Joseph A Kibbey Associate "
" Richard E Sloan " "
B. B De Murr Dep'y U.S Marshall
T. D Hammond Clerk
and the Crier —

340 The Jackson County Bank
Appellant-
vs
Charles F Ainsworth
Appellee

On motion of Newcomb Esq Parley counsel for Appellant- leave is granted - Appellant- Ten (10) days to file brief in reply to appellees motion to dismiss

302 M. A Newmark et-al
Defendant + Appellant
vs
Sarah Marks
Plaintiff + Appellee
} H B Lightfoot
Goodrich & Street-

This cause came on regularly for hearing on appeal and was regularly argued and submitted on briefs and the Court being fully advised in the premises rendered its opinion in writing sustaining the Judgment of the lower court and affirming the same, whereupon appellants filed a petition for a rehearing, and said petition coming on for hearing was submitted on Briefs, and the Court being fully advised in the premises denied appellants petition for re-hearing by opinion in writing.

Wherefor it is ordered, adjudged and decreed by this Supreme Court that said judgement of the lower court be affirmed, and that M. A. Newmark, M. H Newmark, May Cohen and Carl Schram either as individuals or as a firm of M. A. Newmark & Co and that H. H.

Maricopa county and his successor in office be perpetually enjoined from seizing, levying upon or selling the separate property of Sarah Marks described as a lot situate in the City of Phoenix Arizona commencing at the South West Corner of Lot No 12 in Block No 33 of the City of Phoenix running thence due east along the line of Madison Street to board fence 160 feet; thence due north along said board fence 49½ feet — thence due west to East line of Maricopa Street — thence South along Maricopa Street 49½ feet under and by virtue of the judgment rendered in case no 738 on the Docket of the District Court of Maricopa County Arizona for the sum of $519.30 in favor of M. A. Newmark & Co against Simon Marks — and that Appellee Sarah Marks have judgment against appellants. M. A. Newmark, M. A. Newmark Max Cohen Carl Seligman and A. J. Halbert for the amount of her judgement for costs in the Court below in the sum of Thirty five dollars and Seventy five cents and her costs in this Court taxed at Twelve dollars and Thirty cents, — and it appearing to this Court that the appellants gave a bond of appeal to this Court with John H Smith and J. L. B. Alexander as sureties conditioned that they would pay all costs which have accrued in the Court below or which may accrue in this Appellate Court — it is further ordered adjudged and decreed that appellee Sarah Marks have judgment against John H Smith and J. L. B. Alexander for said sum of Thirty five dollars and Seventy five cents. and for said sum of Twelve dollars and Thirty cents and that execution issue out of this Court in favor of said Sarah Marks against appellants and said sureties for the same,

302 M. A. Newmark et al Defendants & Appellants — vs — Sarah Marks Plaintiff & Appellee } N. N. Alexander and N. B Lightfoot; Goodrich & Street

Appellant by their Counsel. N B Lightfoot & Gives notice in open Court of an appeal to the United States Circuit Court of Appeals and asked

that said appeal may be allowed; and the amount of the appeal Bond be fixed by the Court; — and Sixty days time be given within which to file same; which motion the court takes under advisement.

302 W. A. Newmark et al
Defendant & Appellant
vs
Sarah Marks
Plaintiff & Appellee
} N. N. Alexander and A. B. Lightfoot
Goodrich St Street
Norcross N. M.

Alexander and asked that his name as attorney of record in the above entitled cause be stricken off

In the matter of the Application of Wm Parnum for a writ of Habeas Corpus
}

And now at this time this proceeding — by consent of Counsel — in open Court — made and had — is referred to the Honorable the Chief Justice of this Court for trial upon the issue of fact — thereon on the traverse to the return to said Writ, and the prisoner is remanded to the custody of the United States Marshall — and the time for hearing set — on Monday the Eighth day of February 1892

73 Jefferson Wilson
Appellant —
vs
United States of America
Appellee
} Owen J Rouse
U. S. Attorney
T. F. Wilson

For reason of critical sickness in the family of Owen J Rouse Counsel for Appellant the transcript in this cause was not filed with the Clerk until the 23rd day of January 1892 and upon motion it is now ordered that the said transcript be placed upon the Calendar and cause submitted — and for cause already shown Counsel for appellant is allowed 30 days to file his brief, and 30 days thereafter in which

January 29. 1892

Counsel for appellant file his Brief

Court stood at recess until to morrow (Saturday) morning January 30th 1892 at 10. Oclock

Henry B. Gradison J.J.
Edmund D. Lovell A.J.
Joseph H. Kilbey. A.J.

January Term 1892

Phoenix Saturday January 30. 1892

At 10. O. clock of this day Court re-convened

Present. Hon. Henry C. Gooding Chief Justice
" Joseph N. Kibbey A. J
" Edmund W. Wells A. J
B B. De Haas Dep'y Marshall
F D Hammond Clerk
and the Crier

312 Kansas City Mining & Milling Co Appellant — Herndon & Stanton, Wilson & Morris, E M. Sanford, E. Burgess, Baldwin & Johnston

vs

James M. Clay Appellee

Now comes Hon A C Baker in behalf of Baldwin and Johnston - Counsel for Appellee and moves the Court to grant that Appellee have 10 days time to file a petition for a re-hearing in this cause.

It is ordered that said motion be granted subject to any legal exceptions that may exist - and 10 days be given to Appellee to file said petition for re-hearing by appellee subject to all objections of Appellant -

317 John Biancone Appellant — Baldwin & Johnson

vs

Parley Smith Appellee — John Howard and Herndon & Hawkins

Now comes Hon. A.C Baker in behalf of Baldwin & Johnston Counsel for Appellant - and moves the Court to grant that Appellant have 10 days time to file a petition for a re-hearing in this Cause. It is ordered that said Motion be granted subject to any legal exceptions that may exist - and 10 days be given to appellant to file said petition for a re-hearing subject to all objections of Appellee

January 30. 1892

279 The Stanley Company
A Corporation organized and
existing under the laws of California
Appellant-
vs
J. W. Daugherty
Appellee

Ross and Van Horn

Baldwin & Johnston

This cause having heretofore, been argued submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises; It is ordered that the Judgment of the District Court of the 4th Judicial District of the Territory of Arizona in and for the County of Graham, from which this appeal is taken, be and the same is hereby reversed. And cause is remanded to the lower court for a new trial with instruction to sustain the demurrer to the second paragraph to the answer, and further proceedings in accordance with the opinion of this Court-

It is further ordered that the appellant recover of the appellee his costs in this Court-expended taxed at-$ 29.30

Opinion by Hon Joseph H Kibbey, associate Justice
~~Hon H. C Goodwin Chief Justice~~. Hon Edmund W Wells
Associate Justice and Hon. Richard E Sloan associate Justice
concurring.
Hon. Henry C Goodwin Chief Justice – dissenting

275 United States of America
Appellant-
vs
Jan. L Tidball, James H Toole
John C Handy, Chas. R Drake
Jacob S. Mansfield,
Henry Brennan
William C. Davis & Alfred Dotis
Appellees

This Cause having heretofore been argued and submitted and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises.:
Wherefor it is ordered that the judgment of the District Court of the First Judicial District

Territory of Arizona from which this appeal is taken by and the same be and the same is in all respects affirmed and it is further ordered that the appellee have his costs herein. Taxed at-

Opinion by the Court.

303 George B. Bogan
John W. Bogan
Ed. Wicks and
W. H. Barnes
Appellant.
vs
Salvator Pignatora
Appellee

This cause having heretofore been submitted and by the Court taken under advisement; and the Court having fully considered the same, and being fully advised in the premises, it is ordered that the appeal in this cause be dismissed, and the same is hereby dismissed for the want of Jurisdiction in this Court; and it is further ordered that the appellee recover of the appellant his costs herein taxed at.

Opinion rendered by Kibbey J
Goodwin Chief Justice Concurring.
Sloan J. not sitting

335 Frank Broadhead
Appellant-
vs
Louis Vidal
Appellee

The motion to dismiss appeal in this cause having heretofore been submitted, and the Court having fully considered the same, Now on this day it is ordered that the motion to dismiss Appeal be denied. and cause submitted on briefs
Sloan. J. not sitting

71 John Chantz
appellant
vs
Territory of Arizona
appellee

January 30. 1892

It is ordered that 30 days additional time be granted. Attorney General to file brief in this cause

In the matter of Application of J. J. Smith for a writ of Habeas Corpus

It is ordered that this cause be dismissed for the want of prosecution.

Territory of Arizona-
In the Supreme Court—
Order for adjourned Term

It is ordered that an adjourned Term of the Supreme Court of the Territory of Arizona be held at the city of Phoenix in said Territory to begin on Monday the 9th day of May 1892

340 The Jackson County Bank— appellant
vs
Charles F. Dieterich— appellee

Now comes appellant and moves the Court to file transcript of Clerk below, herto attached, and also leave to file in five days after appellants additional brief shall be filed- his brief in reply thereto
Hancock & Purdy attys for appellant

Motion granted

Court adjourned sine die

Henry C. Gruning C. J.
Ensworth Coles A. J.
Joseph H. Kibbey A. J.

Phoenix, Ari. Feby 9. 1892

In Chambers before the Honorable A C. Gooding Chief Justice of the Territory of Arizona.

In the matter of the application of William Varnum for Writ of Habeas Corpus } Writ of Habeas Corpus

Corpus having been issued by the Honorable The Supreme Court of the Territory, by the Hon. A.C. Gooding Chief Justice on the Twenty Seventh day of January 1892 and a return having been made thereon by J.B. Montgomery Sheriff of Maricopa County & J.M. Blankenship City Marshall on the Twenty eighth day of January 1892, and the body of William Varnum having been produced before the Honorable the Supreme Court of Arizona on the 28th day of January 1892 and a partial hearing on that day been had, it was ordered by the Honorable the Supreme Court of Arizona, that the further hearing in the case be had before the Honorable A C Gooding Chief Justice on the 8th day of February 1892,

Now to wit; February 8th 1892. defendant being brought before the Hon. A.C. Gooding in Chambers, and being represented by his counsel E. C. Israel, and the United States being represented by Hon. Thomas F. Wilson United States Attorney, and the affidavit of O.F. Rouse Esq having been filed in the case; and the testimony of the defendant and U.S. Dr. Nunn Deputy United States Marshal, and J.F. Briggs former Sailor of Maricopa County having been taken; the case is taken under advisement until the 9th day of February 1892. And to wit: February 9th 1892 the prisoner being present and represented by his Counsel E. C. Israel, and the United States being represented by Thos. F. Wilson United States Attorney; and the evidence in the case having been fully considered. It is ordered and adjudged that the application of the defendant William Varnum in a writ of habeas corpus to be discharged from imprisonment be denied, and that the defendant William Varnum be remanded to the custody of the United States Marshal for the Territory of Arizona, to be admitted to bail in the sum of Three Hundred ($300.) dollars for his appearance to answer the charge against him on the present term of the District Court of the Third Judicial District ~~for the Territory of Arizona at Phx~~ at Phx

for the Territory of Arizona to be held at Phoenix

May 1892. The Supreme Court of the Territory of Arizona commenced its adjourned term in the City of Phoenix Monday May 9th A.D. 1892 at the hour of 10 o'clock A.M. pursuant to an order made and entered on this record on the 30th day of January 1892.

Present Honorable Henry C Gooding Chief Justice
" Joseph H Kibbey Associate Justice
and F X Hammond Clerk.

Court was duly opened by B B De Mund Deputy U.S. Marshal by direction of the Chief Justice.

Whereupon the Court by the Chief Justice announced the appointment of F H Sheridan as Court Crier for this term

Thereupon No Quorum on the Bench the Chief Justice stated to the Bar that no further business would be transacted this day and that the Court would stand at recess until to morrow (Tuesday) at 10 o'clock A.M.

Henry C. Gooding C. J.
Joseph H Kibbey A. J.
A. J.

In the Supreme Court of the Territory of Arizona

Tuesday May 10. A.D. 1892.

Court met pursuant to adjournment at 10 o'clock A.M. Present Honorable H.C Gooding C.J.
Joseph H Kibbey A.J.
Richard E Sloan A.J.
B B. De Mund Act. Deputy Marshal
F. H Sheridan Court Crier
F X Hammond Clerk

No 342 Wm McGill - appellee
vs
Southern Pacific Company appellant

Now comes Francis J Heney Attorney for appellee and moves the Court to give him time in which to file his brief. By consent of Counsel. said Motion was allowed giving to appellee 30 days time in which to file his brief and 20 days thereafter to appellant to file brief in reply (20 days after receiving copy of argument)

Court stood at recess until 2 o'clock

May (adjourned) Term 1892

At 2 O'clock P.M. Court reconvened

No 344 Ah Jon - appellee
vs
Don Jon appellant

Upon motion of C. M. Wright attorney for appellee it is ordered that said appellee have 30 days time to file his argument in support of the motion to dismiss the appeal, and the motion to strike out parts of the record; and that the appellant have 30 days thereafter to answer; and the appellee 15 days thereafter to reply - Said Motions to then stand as submitted.

306 + 307 W. W. Porter vs Thomas. Hughes, Territorial Auditor } W. H. Barnes vs Thos. Hughes Auditor

Argument made by W. W. Porter & W. H. Barnes in support of Mandamus - and by William Herring Attorney General for Arizona in support of Demurrer.

Demurrer overruled by Court - and the cause taken under advisement.

No 73 Jefferson Wilson appellant
vs
United States of America appellee } On Motion of J. H. Wilson Attorney for the United States - it is ordered that 30 days time be given Appellee to file his brief and Argument and 20 days thereafter be given to Appellant to file his brief in answer

Court now stands until 2 P.M. to morrow Wednesday May 11. 1892.

Henry C. Gray C. J.
Sidney A. Norcross A. J.
Richard E. Sloan "

May (adjourned) term 1892
Wednesday May 11th

Court re-convened this day at 2 o'clock P.M.

Present Honorable Henry C Gooding chief Justice
" Jos A Kibbey a.j.
" Richard E. Sloan a.j.

Robt H Paul U.S. Marshal
F.W. Sheridan crier
D W Hammond clerk

No 341 George W Irwin — appellant —
vs
Cochise County — appellee

On motion of counsel in the cause - Court - Allen R English for appellee and W H Stevens for appellant - it is ordered that attorney for appellee have 30 days in which to file his brief - and the attorney for appellant - have 15 days thereafter to file his brief in reply - and that the case stand submitted without argument.

In the Supreme Court of the Territory of Arizona

306 W W Porter - Plaintiff
vs
Thomas Hughes.
Territorial Auditor.
Defendant -

This cause coming on regularly to be heard on the tenth day of May A.D. 1892 - and both parties by their respective counsel being present, and the pleading made on the agreed statement of facts heretofore filed in said cause, made by said parties herein, and after argument the cause was submitted and the Court being fully advised in the premises, do adjudged as follows -

That the allegations of the complaint are true and that it be adjudged & decreed that the defendant Thomas Hughes Territorial Auditor of Arizona be required to draw his warrant on the Territorial Treasurer of Arizona as of date 15th day of April A D 1890 in favor of W W Porter plaintiff herein for the sum of Twelve hundred dollars and that the plaintiff have a peremptory Mandate issued to said Thomas Hughes -

Auditor of Arizona in his behalf and have his
Costs of suit taxed at $11.00
Dated May 11, 1892

Henry C. Gording C.J.
Jos. H. Kibbey A.J.
Richard E. Sloan A.J.

In the Supreme Court of the Territory of Arizona

W. H. Barnes Plaintiff
vs
Thomas. Hughes
Territorial Auditor - Defendant

This cause coming on regularly to be heard on the tenth day of May A.D. 1892 and both parties by their respective Counsel being present, and the hearing made on the agreed statement of fact heretofore filed in said cause, made by said parties herein, and after argument the cause was submitted, and the Court being fully advised in the premises adjudges as follows:

That the allegations in the complaint are true and that adjudged and decreed that the defendant Thomas Hughes Territorial Auditor be required to draw his warrant on the Territorial Treasurer of Arizona as of date 15th day of April A.D. 1890 in favor of W. H. Barnes plaintiff herein for the sum of twelve hundred dollars, and that the plaintiff have a peremptory Mandate issued to said Thomas Hughes Territorial Auditor of Arizona in his behalf and have his Costs of suit taxed at $11.00

Dated May 11, 1892

Henry C. Gording C.J.
Joseph H. Kibbey A.J.
Richard E. Sloan A.J.

In the matter of the Estate of
John D. Walker - deceased - Appellant
vs
A. J. Doran Administrator Appellee
On Motion of W. H. Barnes
Attorney for Appellee and Baker & Campbell Attorneys
for Appellant it is ordered that Appellant have
until the 15th day of October A.D. 1892 to file his
brief and Argument in this cause, and that
Attorneys for Appellee have until December 15 1892

to file his brief and argument in answer.

Allen R English attorney from Cochise County — addressed the Court delivering a brief eulogy on the life and character of Judge George G Bury deceased. Closing with a motion that a committee of five members of the bar be appointed by the Court to draft resolutions in respect of his memory and report the same at the next session of this Court.

The Court appointed as such committee

Allen R English Esq
Wm H Barnes
Webster Street
William Herring — atty Gen'l
H. N. Alexander.

J J Hawkins Attorney at Law from Yavapai County arose and delivered a Eulogy on the life and character of the late Judge John C Shields, and moved the Court to appoint a Committee of five members of the bar of this Territory to draft suitable resolutions of respect to his memory — the same to be transcribed on a page each apart as a memorial page to the said Judge John C Shields in the records of this Court.

The Court appointed as such Committee

Judge W W Porter
J J Hawkins
Clark Churchill
W H Stilwell
Hiram Baldwin

In the Supreme Court of the Territory of Arizona

Copy

To the Honorable
The United States Marshal
for the Territory of Arizona

Sir:

You is hereby ordered that you provide for the use of the Clerk of this Court a suitable room, with the necessary furniture for the convenient transaction of the business and the proper preservation of the Books and records of this Court — Dated &c &c ...

Dated May 11. 1892 — Richard E. Sloan c.j.
Jos H. Kibbey a.j.

In the Supreme Court
of the Territory of Arizona }

To the Honorable
the United States Marshal for Arizona

Dir! — It is hereby ordered by this Court — that you provide for the use of said Court the following articles of Stationery & Stationery Supplies,

1 Ream	Abstract Legal Cap paper	1	Gro. Dandruff Brush
1 "	Unruled "	1	box Red "
1 "	Calendar	1	dz ass'd Pen holders
1500	No 6 Envelopes	1	" Faber Pencils
500	" 11 "	1/2	" Rubber tips
2000	Letter Heads	2	box Paper Fasteners
100	Sheets of Covers	1	" ass'd Pens
2	Sheets Tags	1	Arm Rest

Henry C. Gooding c.j.
Richard E. Sloan a.j.
Jos H. Kibbey a.j.

Whereas! — T. W. Hammond Clerk of the Supreme Court of the Territory has presented to the Court an account of services rendered by him at the regular January term A.D. 1892 thereof; and has proved on oath to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated; And it also appearing from the records that the days above enumerated, Court was open for business and business was regularly transacted, and

Whereas! — Said account appears to be just and according to law! It is therefore ordered that the said account amounting to the sum of Forty-two Dollars and Forty Cents be and the same is hereby approved

Henry C. Gooding c.j.
a.j.
a.j.

Whereas! T. D. Hammond clerk of the Supreme Court of the Territory of Arizona has presented to this Court an account of Services rendered by him at the 2nd May Term A D 1892 thereof! and has proved on oath to the satisfaction of the Court that the services therein charged for have been actually, and necessarily performed as therein stated! and it also appearing from the records that the days above enumerated, Court was open for business and that business was actually transacted and

Whereas;- Said account appears to be just, and according to law; It is therefore ordered that the said account amounting in the sum of Thirty One Dollars and Eighty Cents ($31.80) be and the same is hereby approved

Henry C. Gooding - C. J.
Joseph H. Kelly J. A. J.
A. J.

It is hereby ordered that the present term of this Court stand continued until the fourth Monday (26th) of September A D 1892.

Henry C. Gooding, Chief Justice
Joseph H. Kelly J. Ass't Justice
Richard E. Sloan Ass't Justice

January (1892) Term. Sptl. Session

Phoenix Arizona Sept. 26. 1892.

In the Supreme Court
of the Territory of Arizona.

Court convened this day at 10 O'clock A.M. pursuant to an order made and entered of record on the 11th day of May A.D. 1892.

Present

Henry C. Gooding Chief Justice
Joseph H. Kibbey A.J.
R.E. Sloan A.J.
Edmund W. Wells A.J.

R.H. Paul, U.S. Marshal
J.D. Hammond Clerk

Court having been duly opened by the U.S. Marshal the announcement was made by the Chief Justice, that the first business transacted would be the hearing of motions for the dismissal of Cases.

No motions being offered. Charles T. Ainsworth Esq appeared in behalf of Thomas Armstrong Jr and made a motion that he the said Armstrong be admitted to practice in this Court, presenting in evidence of his qualification. Certificates of previous admission & practice in the Circuit Court of Columbia County Wisconsin and in the Supreme Court of that State - also a Certificate of the Clerk of this admission to practice in the 3rd Judicial District of this Territory.

Ordered that Thomas Armstrong Jr be admitted to practice in this Court: & that the Clerk issue the necessary Certificate

H.B. Sightler Esq appeared in behalf of T.C. Jordan and moved the Court that he be admitted to practice in this Court - presenting in evidence of his qualification a Certificate of former admission to practice in the District Court of Dallas County Texas.

Ordered by the Court that T.C. Jordan be admitted to practice in this Court, and that the Clerk issue the necessary Certificate.

The Chief Justice announced for the information of the Bar and to whom it might concern, that the present session being a continuation of the regular January 1892 term - no cases would be taken up or considered that had come into the Court on appeals perfected & filed since the adjournment of the January session - except great emergency demanded an early hearing & and both parties joined in request.

No 75 Henry Blevins - appellant
vs
Justices of Arizona - appelled

Passed for the term

Henry C. Gooding Chief Justice announced the following Courts rules
That a session be held on Thursday (29th) for the delivery of opinions & rendering of decisions.
That this Court do now stand at recess until to-morrow at 2 O'clock P.M.

Henry C. Gooding
Richard E. Sloan
Joseph Kibbey

September 27. 1892

Court convened pursuant to adjournment at 2 O.clock P.M.

Present - Henry C. Gooding Chief Justice
Jos. H. Kibbey J
R. E. Sloan J
Ed W Wells J

R. H. Paul U.S. Marshal
C. D. Hammond Clerk

Court having been duly opened by the U.S. Marshal the Chief Justice announced to the Bar that opportunity would now be given for the offering of any motions that counsel present might desire to present.

No 3 Jefferson Wilson - appellant
vs
United States of America - appelled

Now comes H M T F Wilson U.S. attorney, and moves the Court to grant him 30 days time in which to file his brief - the case to be considered submitted at the expiration of the said 30 days.

which said motion was granted - by the Court - and so ordered -

On Motion of Webster Stuart Esq. H E Hazzard an attorney at Law residing at Gila Bend Maricopa County was admitted to member of this Court and the Clerk instructed to issue the necessary licence upon his signing the Roll of Attorney's and taking the necessary Oath.

No 356

James A Wright - Plaintiff
vs
Thomas Hughes - Defendant

Petition for Writ of Mandate

Now comes Joseph Campbell attorny for plaintiff. and by Consent of Court a petition for a Writ of Mandate in above entitled Cause. Ordered that an Alternative Writ do issue returnable upon the first day of the January Term. A. D. 1893.

344

Ah Don
Plaintiff & Appellee
vs
Don Yen
Defendant & Appellant

Now comes the Defendant by his Counsel W. H Barnes Esq and moves the Court to grant unto him reasonable time to correct the record in said Cause in the matter of the Bond on Appeal. — it appearing by the record that one of the Bondsmen had qualified in the sum of $700. Whereas it is claimed by said Appellant that he did actually qualify in the sum of $7000, Oral Argument made to the Court by W. H Barnes in support of his said motion — and by C N Wright Esq Attorney for Appelee - in opposition thereto.

Ordered by the Court that Appellant have Three days - to procure and file a Certificate of the Clerk below, Correcting the record.

Court adjourned to meet Thursday P M. (26th) at 2 Oclock P. M.

Henry L Gooding C J
Richard E Sloan J
Jos. H Kelly J

January Term - 1889 Sept Session

In the Supreme Court -
Territory of Arizona }

Court convened this 29th day of Sept
at 2 Oclock P.M. pursuant to adjournment -
Present His Honor. Henry O Gooding Chief Justice
Jos A Kibbey Asst "
R. E Morris Asst "
E J W Wells Asst "

R A Paul. U.S. Marshal by
B B DeHaas Deputy -
T D Hammond Clerk

Cause No 344 A h. Yow
Appellant
vs
Don Yow
Appellee

On Motion of Appellee - appeal dismissed - because of defect in appeal Bond -

Cause No 232 H. D. Underwood
Appellant
vs
J. J Hawkins. Territorial Auditor
Appellee

Writ of Mandate -

Dismissed for want of Motion
for New trial, Statement of facts, and Bill of Exceptions

Cause No 323 The person. Real Estate, Land & property described in the Delinquent list of the County of Yavapai, for the Year 1889.
Appellant
vs
The Territory of Arizona - Appellee

Ordered that Appellee file Ans herein, not later than the 30th day before the 1st day of the next Term of this Court, or in default thereof he will be deemed to have confessed error, and the Clerk is directed to notify appellee of this order

September 24, 1892. Continued

Cause No 332 Arizona Central Bank
Appellant
vs
E. H. Wetherell
Appellee

Ordered that appellee file Brief herein not later than the 30th day before the first day of the next January term of this Court, or in default thereof he will be deemed to have confessed error - and the Clerk is directed to notify Appellee of this order.

Cause No 72. David B. Shanklin
Appellant
vs
Territory of Arizona
Appellee

This cause having been submitted, and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises. It is hereby ordered adjudged and decreed that the Judgment of the Lower Court be and the same is hereby affirmed

Opinion by Henry, C. J. Gooding Chief Justice
Associate Justices - Kibbey & Wells Concurring.

No 41 Jean Cantz
Appellant
vs
Territory of Arizona
Appellee

This Cause coming on to be heard upon submitted on the Court's taken under advisement and the Court having fully considered arguments and briefs and being fully advised in the premises. It is now hereby ordered that the judgments and decrees from which this appeal was taken Judgment of the Lower Court be and the same is

Reversed and Cause Remanded for a new trial.

Opinion rendered by Associate Justice R. E. Sloan
Henry C. Gooding C.J. & Jos. A. Kibbey J. Concurring

No 331 — W. B. Slaughter, Thomas Lyons, Wyatt Campbell, Plaintiffs & Appellants
vs
Henry Harlow and Edward Hardenburg, Defendants & Appellees

This Cause having been heretofore submitted and by the Court taken under advisement, & the Court having had the same under consideration, and being fully advised in the premises. Doth now hereby order adjudge and decree that the Judgment of the lower Court aforesaid from be and the same is hereby reversed and the Cause remanded for a new trial.

Opinion rendered by R. E. Sloan Associate Justice
Henry C. Gooding C.J. & E. W. Wells J. Concurring

No 325 — N. Bryan, Plaintiff
vs
Simon T. Brassine et al., Defendants

This Cause having been fully argued to the Court by the respective Counsel, and heretofore submitted and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises, doth now by the Court hereby order adjudged & decreed that the Judgment rendered in the Court below be reversed, and the same is hereby reversed. And it is hereby further ordered that the Appellee do have and recover of the Appellant his Costs expended herein taxed at $13.00 and have execution therefor.

Opinion by Henry C. Gooding, Chief Justice — Associate Justices R. E. Sloan — Edward W. Wells

No 326 T. J. Bryan Appellant
vs
D. H. Pinney et al Appellees

This cause having been submitted and argued and by the Court taken under advisement and the Court having fully considered the same and being fully advised in the premises, It is hereby ordered that the judgment rendered in the Court below be and the same is hereby affirmed and it is further ordered that the Appellees do have and recover from the Appellant his costs herein expended taxed at $ and have execution therefor.

Opinion by Associate Justice Edmund W Wells
Chief Justice Gooding - and Associate Justice Sloan

Concurring

No 327 T. J. Bryan Appellant
vs
M. W Kales. Appellee

This cause having been submitted argued and submitted and by the Court taken under advisement, and the Court having fully considered the same and being fully advised in the premises.

It is hereby ordered, that the judgment rendered in the Court below be and the same is hereby Affirmed, and it is further ordered that the Appellee M. W. Kales do have and recover of and from the appellant T. J. Bryan, and W. H. Smith and C. H. Kay his sureties on the appeal bond his costs herein taxed at Twenty and 10/100 ($20.10) Dollars in this court, and costs in the court below, taxed at fifty eight and 40/100 ($58.40) dollars and have execution therefor.

Opinion by Associate Justice R E Sloan
Chief Justice Gooding & Associate Justice Wells

Concurring

No 328 In the matter of the Estate of J. O Walker deceased
vs
A. J. Bovan - Appellee

Appellant -

On petition of Baker & Campbell attorneys for Appellant. It is ordered that appellant have until Nov 15. 1892 and that appellee have until Dec 30. 1892 to file their briefs herein

No 338 Louis Sicbes and
Jacob Sicbes
Appellant
vs
Nelly E. Steffy
Appellee

Now comes the appellee herein by A. M. Alexander Esq of Counsel and moves the Court to dismiss the appeal in this cause, owing in his argument on said motion to dismiss - error in that the Transcript in Appeal was not filed herein at the proper time and according to law.

And now comes Appellant by his Counsel W. T. Jackson Esq and by Argument in reply and opposition to motion to dismiss, sets up & shows good and sufficient cause for the failure of Appellant to file his Transcript according to law - to wit the physical inability & finally death of the then Attorney - the Hon J. H. Owry - of said Appellant.

Ordered that Motion to dismiss be and the same is hereby overruled -

No 344 Ah Yow
Plaintiff & Appellee
vs
Lon Yen
Defendant & Appellant

On motion for Appellant leave is hereby granted to withdraw from the files and records of this court the Transcript in the above entitled Cause.

Counsel Named at issue until & motion

Henry C. Gordian
Richard E. Sloan
Attys

September 30. 1892

In the Supreme Court
Territory of Arizona }

Court convened at the hour of 2 P.M
and was duly opened by B.B. DeMeuv. Deputy U.S. Marshal

Present- His Honor, Henry C. Gooding Chief Justice
Jas. A. Kibbey Ass't "
R. E. Sloan Ass't "
E. O. Wells Ass't "

U.S Marshall by DeMun Deputy
T.D. Hammond Clerk

No 202 Benoni Blackmon
appellant-
vs
James Reilly
appellee

Whereas:- the above named appellee recovered a Judgment in this Court on the 5th day of September 1892 affirming the Judgment of the District Court of the first Judicial District of this Territory in and for the County of Cochise in the above entitled cause entered on the — day of June 1892, and the said appellant took said Cause by Appeal to the Supreme Court of the United States, and the said Supreme Court by order duly made, dismissed said appeal on the 27th day of April 1892 and awarded Costs of said Supreme Court to said appellee against said Appellant $20.00 all which appears more by the Mandate of said Supreme Court filed herein on the 7th day of June 1892.

Now therefore- on motion of James Reilly Appellee in person. It is ordered that the clerk of this Court do certify to the aforesaid District Court of Cochise County- the affirmance of the Judgment of said District Court ~~of Cochise County~~ in the above entitled cause with statement of Costs as follows!

Cost in Supreme Court of U.S. 20.00
and all Cost incurred by appellee in this Court-
including 2½ Cost of Printing brief for this Court-
taxed at. $29.25

No 203 George E. Berry and Behoni Blackmon } Appellants
vs
James. Reilly Appellee }

Whereas: the above named appellee recovered a judgment in this Court on the 5th day of September 1887 affirming the judgment of the District Court of the First Judicial Distinct of this Territory in and for the County of Cochise in the above entitled cause entered on the — day of February 1886, And the said appellants took said Cause by writ of error to the Supreme Court of the United States, and the said Supreme Court by order duly made dismissed said writ of error on the 27th day of April 1892 and awarded Costs of said Supreme Court to said appellee against said appellants $20.00 All which appears to us By the Mandate of said Supreme Court filed herein on the 7th day of June 1892.

Now Therefor on motion of James Reilly Appellee in person. It is ordered, That the Clerk of this Court do certify to the aforesaid District Court of Cochise County the affirmance of the judgment of said District Court in the above entitled Cause with statement of Costs as follows:

Costs Supreme Court of United States		20.00
and all cost incurred by appellee in this Court including 9.25 Cost of printing brief for this Court		
Court Costs	19.50 Total	28.75

No 205 The Mountain Maid Mining Company } Appellant
vs
James. Reilly Appellee }

Whereas: the above named appellee recovered a judgment in this Court on the 5th day of September 1887 affirming the judgment of the County Court of the County of Cochise Territory of Arizona in the above entitled Cause entered on the — day of December 1886, and the said appellant took said Cause by writ of error to the Supreme Court of the United States and the said Supreme Court by order duly made dismissed said writ of error on the 27th day of April 1892 and awarded Costs of said Supreme Court to

against said Appellant ($20.00) as appears to us by the Mandate of said Supreme Court filed herein on the 9th day of June A.D. 92.

Now Therefore on motion of James Reilly Appellee in person. It is ordered that the Clerk of this Court do Certify to the District Court of the Third Judicial District of the Territory of Arizona, and for the County of Cochise the successor of the aforesaid County Court of Cochise County and the Court in which the original record of said Cause now is kept— The affirmance of the Judgment of said County Court in the above entitled Cause with Statement of Costs as follows.

Costs in Supreme Court of the United States 20.00
And all Costs incurred by Appellee in this Court including 9.25 Cost of printing brief for this Court
Costs in this Court 22.50 total 31.75

No 315

School District No 17
of the County of Yuma
Appellant.
vs.
Caroline E Rembert
Appellee.

This Cause having heretofore been argued and submitted and by the Court taken under advisement, and the Court having fully considered the same, and being fully advised in the premises. Now therefore it is ordered, adjudged and decreed, that judgment and decision rendered herein by the District Court of the 3rd Judicial District in and for the County of Yuma this Territory, and from which this appeal was taken, be, and the same is in all respects affirmed.

It is further ordered and adjudged that the Appellee do have and recover from the Appellant her Costs expended in this Court taxed at $ and have Execution therefor.

Reading. Ch. delivering the opinion of the Court—

No 335 Frank Broad et al Appellant
vs
Louis Vidal Appellee

This cause having heretofore been by the parties submitted to this Court for hearing and determination and the Court being sufficiently advised on the premises, renders its opinion - by Kibby Justice as elsewhere appears, and in accordance therewith, now orders that the judgement of the District Court of the 1st Judicial District in and for Cochise County be modified as hereafter appears.

It is therefore considered and adjudged by this Court that the said Appellee - Louis Vidal - do have and recover from said Appellant - Frank Broad - and of the Bank of Tombstone, and R.W. Wood - Sureties upon the Appeal Bond herein, the sum of Eight-hundred and Seventy five ($875.00) dollars in damages with interest thereon at the rate of 7 percent per annum from the 19th day of November 1891, likewise the Costs by him in and about this suit incurred and expended in said District Court taxed at $ and likewise#

And it is further considered and adjudged by this Court that said Appellee Louis Vidal do have and recover of said Appellant - Thomas Bidwell the sum of Five Hundred ($500.00) dollars in damages with interest thereon at the rate of 7 per cent per annum from the 19th day of November 1891, likewise the Costs by him in and about this suit - incurred and expended in said District Court taxed at $ and likewise the Costs and Charges by him in and about this suit in this Court laid out and expended taxed at $

And it is further considered and adjudged by this Court that said Appellee Louis Vidal do have and recover of said Appellant - Jos Bigmon the sum of Five Hundred ($500.00) dollars in damages, with interest thereon at the rate of 7 per cent per annum from the 19th day of November 1891, likewise the Costs by him in and about this suit - incurred and expended in said District Court taxed at $ and likewise the Costs and Charges by him in and about this suit - in this Court laid out and expended taxed at $

But Appellee shall not have satisfaction of the several judgments in a greater sum in the aggregate than $875.00 and interest thereon from the 19th day of November 1891 at 7 per cent per annum. Costs as aforesaid. The Ct.

the costs and charges by him in and about this suit in said Court and expended taxed at $ 15.00

to transmit a certified copy of this judgment to the Clerk of said District Court in and for Cochise County.

Opinion by Kibbey J. Gooding CJ and Wells J Concurring

Henry C. Gooding C.J.
Richard E. Sloan J.
Joseph Kibbey J.

January 1892 Term
Saturday Oct 1. 1892

Court Convened at 10. o'clock A.M.

Present: His Honor. Henry C Gooding Chief Justice
Jos H Kibbey Asst "
R. E Sloan " "

U. S. Marshal. by
B B De Mun - Deputy.
T. D Hammond — Clerk

308 W. A. Clark
appellant
vs
F. M. Murphy
appellee

This cause having been heretofore Argued and submitted to this Court and by the Court taken under advisement; and the Court having had the same under Consideration and being fully advised in the premises: It is now ordered adjudged and decreed by this Court that the judgment &

decision rendered in this Court on the 15th day of November A.D. 1889 in the District Court of the 3d Judicial District Territory of Arizona in and for the County of Gavapai— be and the same is hereby reversed and cause remanded for new trial

And it is further ordered that the said Appellant do have and recover from the said appelled his costs herein expended to wit at $261.00

Opinion by Hobby J.

No 189

The Benson Mining & Smelting Company
Appellant

vs

The Alta Mining & Smelting Company
Appellee

Whereas the above named Appelle recovered a Judgment in the District Court of the First Judicial District of the Territory of Arizona and in the County of Pima on the — day of — in the year — and

Whereas said cause was brought into this Court on appeal from said judgment of said District Court and

Whereas on the 17th day of February 1888. Judgment was rendered in this Court affirming the Judgment of the Court below and

Whereas the Appellant herein did thereafter take this Cause to the Supreme Court of the United States on appeal and whereas said Supreme Court "on Consideration whereof" did on the 16th day of May 1892 by order duly made render its Judgment & decree affirming the judgment of this Court and awarding to said Appelle Judgment for his costs expended in said Supreme Court as appears to us by Mandate issued by said Supreme Court filed herein on the 8th day of June 1892.

It is now ordered by this Court that the Judgment of the District Court of the 1st Judicial District of Arizona in the County of Pima be and the same is hereby in all things affirmed.

And it is further ordered and adjudged by this Court that said Appellee The Alta Mining and Smelting Co do have and recover of the Appellant The Benson Mining and Smelting Co the costs herein (or it) in curred and expended

Oct 1. 1892

Court of the United States taxed at — and the costs and charges by it in this Court laid out and expended taxed at $

And the Clerk of this Court is directed to forthwith transmit a copy of this order to the Clerk of said District Court—

No 325 T. J. Bryan
Appellant—
vs
George T. Brassius et al
appellees

And now in open Court on this first day of October A.D. 1892 the Appellant T. J. Bryan by his Counsel gives notice of appeal and hereby does appeal to the Supreme Court of the United States from the judgment of the Supreme Court of the Territory of Arizona rendered against said Appellant on the 29th day of September A.D. 1892 and prays that said appeal be allowed by said Supreme Court of the Territory of Arizona.

No 326 T. J. Bryan
Appellant—
vs
D. H. Penney et al
Appellees

And now in Open Court on this first day of October. A.D. 1892. the Appellant T. J. Bryan by his counsel gives notice of appeal, and hereby does appeal to the Supreme Court of the United States from the judgment of the Supreme Court of the Territory of Arizona rendered against said appellant on the 29th day of September A.D. 1892 and prays that said appeal be allowed by said Supreme Court of the Territory of Arizona

Oct 1. 1892

No 327 T. J. Bryan
Appellant
vs
M. W. Kales
Appellee

And now in open court on this first day of October A. D. 1892. the Appellant T. J. Bryan by his counsel gives notice of appeal and hereby does appeal to the Supreme Court of the United States from the judgment of the Supreme Court of the Territory of Arizona rendered against appellant on the 29th day of September A. D. 1892 and prayed that said appeal be allowed which appeal was then and there allowed by said Supreme Court of the Territory of Arizona.

Whereas, T. D. Hammond Clerk of the Supreme Court of the Territory of Arizona has presented to the Court an account of services rendered by him at the (adjourned) September term A. D. 1892 thereof; and has proved on oath to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated, and it also appearing from the records that upon the days above enumerated, Court was open for business and actually transacted and

Whereas, said account appears to be just and according to law. It is therefore ordered that the said account amounting to the sum of Fifty Three (53) dollars be and the same is hereby approved.

In the Supreme Court
Territory of Arizona

January 1892 Term
September Session

Phoenix, Arizona Oct. 1892

Ordered that this Court do now adjourn to meet
in the City of Phoenix on the second Monday (9th)
of January A.D. 1893

Henry C. Brodrick
Jos H. Kibbey C.J.
Richard E. Sloan A.J.

In the Supreme Court
Territory of Arizona } In Vacation

In the matter of the application
of R.C Brown and G.W Brown
for a writ of Habeas Corpus }

On this 4th day of November
1892 Comes the above named applicants - by their attorney
A.B Lightfizer and presents to the Hon. Henry C. Gooding
Chief Justice of the Supreme Court of Arizona, in Chambers
their Petition for a Writ of Habeas Corpus, setting up and
representing through & by said petition and by oral argument
that said Petitioners are unlawfully and illegally deprived
of their liberty and held in custody by the Sheriff of Pima
County etc,

Upon due consideration of the prayer of said petitions
by the Chief Justice it is hereby allowed ~~said~~ granted, and ordered that
the writ do issue directed to the said Sheriff of Pima County
Commanding him to have the bodies of the said R C Brown
and G.W. Brown before me in Chambers in the City of Phoenix
Arizona on the 7th day of November 1892 at 10 oclock
A.M. of that day. together with said writ -

In the Supreme Court -
Territory of Arizona } In Vacation

In the matter of the Application
of R.C & G.W Brown for a
Writ of Habeas Corpus }

Writs now on this the
7th day of November 1892 at the hour of 10. Oclock A.M
before the Hon. Henry C Gooding Chief Justice of the Court
in Chambers - J.K. Brown Sheriff of Pima County
in obedience to a writ of Habeas Corpus issued out of the
Court on the 4th day of November 1892; bringing
with him the bodies of R.C. Brown and G.W Brown
and files his return to said writ -

A.B Lightfizer and C.F Wilson Esqrs attorneys
appeared in behalf of Petitioners - and Joseph Campbell
appeared in behalf of said Sheriff Brown -

Arguments were made by the respective Counsel in
and Sequence - the release of the said "R" one

and submitted; whereupon the Chief Justice delivered his decision in the following language —

"The record in this case discloses that the defendants were cited regularly to appear in the District Court to answer a charge of Contempt of Court preferred in writing, and that they did appear and answered, and that then were facts presented to that Court upon which that Court adjudged that a Contempt had been committed.

I conclude that its decision upon that issue is one that this Court cannot review; and I think the authorities are abundant and overwhelming on this proposition. If the law were otherwise, there would be no such thing as preserving order in Courts, or preventing a collision between Courts. I think the proposition is well settled and not open to doubt or dispute. On the facts set upon the record as shown to this court by the record produced herein that Court found that it had jurisdiction of the parties and the subject-matter, and found facts showing that it had jurisdiction. It having jurisdiction of the subject-matter and of the parties, this Court has no power or authority to interfere with the judgment of that Court in this matter.

I must therefore remand the prisoners into the Custody of the Sheriff of Pima County."

The Supreme Court of the Territory of Arizona met in the Court House in the City of Phoenix this 9th day of January A.D. 1893 at 10 Oclock in the forenoon pursuant to adjournment and according to law.

Present His Honor Henry C Gooding Chief Justice
His Honor Richard E Sloan Ass't Justice
His Honor Edmund M. Wells Ass't Justice

Robert H. Paul. U.S. Marshal
T. D. Hammond Clerk

The Court being duly opened by the United States Marshal - Chief Justice Gooding stated for the information of the Bar that in consequence of the absence of one of the members of the Court, only such motions would be entertained by the Court at this morning session as would not be contested & provoke discussion.

350 James Reilly - appellant
vs
T. A. Atchinson - appellee

On motion of James Reilly Esq attorney in person for appellant - leave was granted to file an Amended Transcript in the above entitled cause

281 George F. Martin and
A. H. Underwood. assignee } Appellant -
vs
Wells. Fargo & Company - Appellee

Motion by A.W. Maxwell attorney for appellant - that cause No 281 as above entitled be stricken from the Docket - Motion granted -

275 United States of America - Appellant -
vs
Jas. L Tidwell et al - Appellee

Upon motion of the U.S. Attorney and the representation to the Court that this cause had been settled by the parties to the action, It is ordered that the above cause be stricken from the docket -

In the matter of the application of Pierce Evans Esq to be admitted to practice as an Attorney and Counselor at law in this Court-

Upon motion of C.F. Ainsworth Esq and the presentation of Certificate of admission to the U.S. Supreme Court it is ordered that upon taking the Oath as prescribed by law and signing the roll of Attorneys the applicant be permitted to practice as an Attorney in this Court= and that the Clerk issue them the necessary license thereon.

Court stood at recess until 2. Oclock P.M

Court re-convened at 2. Oclock P.M. January 9 1893

Present His Honor Henry C Gooding Chief Justice
" Richard E Sloan Assoc Justice
" Joseph A Kelly "
Edmund Wells "

The U.S. Marshal & Clerk

In the matter of the application of T. J. Howell Esq to be admitted to practice as an Attorney in this Court-

Upon motion of H.B. Lightizer Esq a member of the bar of this Court= and the presentation of Certificates of admission to the Supreme Court of California- the U.S District Court for the District of California and the Circuit Court of California- it is ordered that upon taking the Oath as prescribed by law- and signing the roll of attorneys the Applicant be admitted to practice as an Attorney and Counselor in this Court- and that the Clerk issue to him the necessary License thereon.

75 Henry Blevins - appellant -
vs
Territory of Arizona - appellee

This cause set for oral argument at 10 Oclock Wednesday morning Jany 11th

319 In the matter of the Estate
320 of Ana Maria Redondo, de.
321 Agnew - deceased
W. S. Sturgis and
Hiram S Wright - Appellants

Upon motion of Chas Brodie Wright Esq and his statement of an agreement between himself & the opposing Counsel to the effect - Causes numbered on the Calendar 319, 320 & 321 were passed for the term & the Clerk directed to omit them from the Final Calendar.

342 Wm McGill
appellee
vs
Southern Pacific Company
Appellant -

(By consent of counsel ordered for oral argument - Friday January 20th

343 In the matter of the Estate
of John D McArthur - deceased
Appellant.
vs
A. J. Doran - administrator
Appellee

(By Consent of Counsel for the respective parties the above entitled Cause was set for Oral Argument on Monday January 15th

348 George Brown
Appellant

vs

The Mayor & Common Council
of the City of Tombstone et al
Appellee

Set for oral argument Tuesday morning
January 10th

349 Huachuca Water Company
a Corporation Appellant

vs

George W Strain
Appellee

This Cause set for Argument
by Counsel on Tuesday Morning January 10th

354 The Southern Pacific Company
Appellant

vs

Bertha Tomlinson
Appellee

This Cause set for hearing oral
Argument of Counsel for Wednesday Jany 11th

362 The Naturita Mining Company
Appellant

vs

O.H. Leach and E.B. Gage
Appellee

This Cause set for hearing oral
Argument of Counsel on Tuesday January 17th

370 Don-Yaw
Plaintiff in Error
vs
Ah-You
Dft in error

Hearing of oral argument in this Cause set for Tuesday Morning January 10th

353 Territory of Arizona
vs
The Prems. Real Estate and Property described in the Delinquent List of the County of Pima for the Year 1892
Marsh & Driscoll &
Don A Danford } Objectors

On Motion of Conrad 50 days time was granted Appellant to file Brief and 20 days thereafter granted to Appellee to file Briefs in reply

355 Charles Edward Lewis
Appellant
vs
Pima County
Appellee

On Motion of W H Barnes Esq of Counsel for Appellant - C W Wright of Counsel for Appellee assenting this Cause was submitted to the Court - with leave to both parties to file Briefs - 40 days allowed to Appellant & 40 days thereafter to Appellee

364 W T Gray sheriff
Chas. Goldman and Bernard Goldman
Appellant-
vs
Geo F Shangenburg - assignee
Appellee

On motion of Hon Alexander atty for appellant -- this cause was submitted - Court granting appellee 10 days in which to file brief -

365 Henry Lial
Appellant
vs
Oscar Olson, Hyman Wuch and Berryman Quin
Appellee

On motion of G C Gerard representing Counsel for appellant -- 10 days allowed to appellant to file brief in this cause.

Court rose to meet to-morrow morning at 10 Clock

Chief Justice
Associate Justice
"
"

January Term 1893

Phoenix, January 10th

Court opened at 10 Oclock a. m. — present —

His Honor Henry C Gooding Chief Justice
" Jos. H Kibbey Associate Justice
" Rich.d E Sloan "
" Edmund W Wells "

Robt A Paul U S Marshal
Thos. F Wilson U S attorney
T. D Hammond Clerk

352 Andw Maurel Plaintiff in Error
vs
A. A. McDonald
A F. Lyman Defts in Error

This cause coming on in its order to be heard on a Motion to dismiss heretofore filed by Defendant in error - and said motion & demurrer having been duly and fully argued by E J. Edwards Esq Attorney for said Defendant in error and Whereas! by the records of this Court in said cause as well as by the argument of Counsel it appears to this court that the said Andw Maurel Plff in error has failed to prosecute his writ of Error with effect; it is therefore by this Court ordered and decreed that this said cause be dismissed. and that Defendant in Error do have and recover from the Plaintiff in Error. and the Sureties herein - his costs & expended in this Court taxed at $ 8.00

In the matter of the application of Wells. Hunderschell to be admitted to practice as an Attorney and Counsellor in this Court

Upon motion of W H Barnes Esq and the presentation of a certificate of admission to the Supreme Court of California and a Certificate of the Clerk of said Supreme Court of California that his admission to that Court was upon the presentation of a License to practice in all Courts of the State of New York it is by this Court ordered that upon stating the oath as prescribed by law and signing the roll of attorneys - that he be admitted to practice in this Court and that the Clerk issue to him the necessary license therefor.

370 Don Yan

Plaintiff in error

vs.

Ah-You

Def't in error

} This cause came on to be heard on Motion of Defendant-in error- for a dismissal of the cause and argued to the Court by Chas Weston Wright attorney for Defendant in error in support of said Motion - and by W. H Barnes attorney for Plaintiff in error in opposition thereto - and submitted

356 James H. Wright-

Plaintiff

vs.

Thomas Hughes - Territorial Auditor

Defendant-

} Writ of Mandamus

This cause coming on regularly to be heard on the 10th day of January 1893 upon the petition of the plaintiff - the answer of the respondent - and the agreed Statement of facts filed herein. Baker & Campbell appearing for the Petitioner and William Herring Attorney General for the Respondent; and upon due consideration. It is ordered - adjudged and decreed that the Respondent - Thomas Hughes Territorial Auditor of the Territory of Arizona - be required to draw his warrant - on the Territorial Treasurer of the Territory of Arizona as of date September 27th 1892 in favor of James H Wright - petitioner herein for the sum of Twelve hundred dollars. on account of salary as District Judge and that the Petitioner have a peremptory writ of Mandate issued to said Thomas Hughes Territorial Auditor as aforesaid in his behalf

Done in open Court January 10th 1893

Orginal signed Henry C Gowdey C J.

" Joseph H. Kibbey a J.

" Richard E. Sloan a.J.

" Edmund W. Wells a J.

Court rose - until 2 Oclock P.M.

Court re-convened at 2 O'clock P.M. this 10th day of January 1893. Associate Justice Richard E. Sloan not sitting

348 George Bravin. Appellant-

vs.

The Mayor and Common Council of the City of Tombstone & Frank Ryan Chief of Police - Appellee

This cause came on to be heard on a Motion heretofore filed in this court by appellee for a dismissal of the cause - and being fully argued by William Herring Esq Counsel for appellee in support of said motion and by W. H. Barnes of counsel for appellant. - it is ordered by the court - that Motion to dismiss be and is hereby denied

349 Huachuca Water Company a corporation. Appellant-

vs

George W. Bowan Appellant-

This cause came on to be heard on a Motion to dismiss heretofore filed by appellee, and being fully argued to the court by W. H. Stillwell Esq attorney for Appellee in support of said motion - and by William Herring Esq attorney for Appellant - in opposition to said motion - was submitted to the Court -

351 Charles R Woods Appellant-

A J Preston Appellee

Now comes W. M. Sorrell Esq Attorney for appellee and makes his motion in open Court that the appeal in this case be dismissed- and argues to the Court in support of the motion. O. F. Rouse Esq Attorney for appellant opposing the motion setting forth the grounds of his opposition in argument to the Court-- ~~and the same duly fully argued and submitted~~ [illegible]

Court then rose until 10 o'clock to morrow morning January 11th. 1893.

Chief Justice
Associate "
Richard E. Sloan "
Edmund C. Wells "

January Term 1893

Phoenix January 11. 1893

Court met pursuant to adjournment at the hour of 10. Oclock A.M.

Present. His Honor Henry C Gooding Chief Justice
" Joseph H Kibbey Ass^te Justice
" Richard E Sloan "
" Edmund W Wells "
Robert N. Paul U S Marshal
T. D. Hammond Clerk

341

Jackson County Bank
Plff in Error
vs
Charles F Ainsworth
Defendant in Error

Plaintiff in error comes by Hancock & Perley its attorneys and moves the Court to cause said above entitled action to be docketed and to allow plaintiff in error time to file transcript in said cause - the transcript therein not having been as yet filed because the bill of Exceptions duly presented to the trial judge is still in his hands and not yet signed. Defendant in Error duicely after moved to dismiss the writ of Error because transcript had not been filed and because plaintiffs in error had an appeal pending in same case.

370

348 George Brawin
Appellant
vs
The Mayor and Common Council
of the City of Tombstone et al Frank
Ryan Chief of Police

It is now ordered by the Court that the Motion to dismiss the appeal in this cause heretofore argued and submitted to the consideration of the Court be, and the same is overruled and denied.

368 Arizona Lumber and Timber Company
Appellant
vs
William J. Mooney
Appellee

Comes now E.M. Doe of Counsel for Appellee in this Cause and by motion presented in open Court prays the Court to grant unto appellee one week from this 10th day of January in which to file his brief - ordered by the Court that appellee do have the said one week in which to file his brief

367 John Bishop
Appellant
vs
E.B. Perrine
Appellee

On motion of Harris & Ellinwood attorneys for appellant it is by the Court ordered that appellant have 10 days time to file a brief in this Cause and that Appellee have 5 days thereafter to file his brief accordingly

No 115

Henry Blevins Appellant.
vs
Territory of Arizona Appellee

This Cause Came on regularly for hearing and was argued to the Court by the respective Counsel- E.J. Edwards Esq appearing for the appellant and William Herring Esq Attorney General appearing for the appellee and being fully argued was submitted to the Court for Consideration and decision

Court rose and stood at recess until 2 oclock P.M

Court re-convened at 2. oclock P.M. this 11th day of January. 1893

No 354

The Southern Pacific Company Appellant
vs
Bertha Tomlinson Appellee

This Cause Came on for hearing on "motion to dismiss" heretofore filed herein by Appellee Joseph Campbell of Counsel for Appellee appeared and made argument to the Court in support of the motion.

W. H. Alexander Attorney for Appellant appeared and argued to the Court in opposition to the said Motion to dismiss and the said arguments being concluded were submitted to the consideration of the Court-

January 11. 1893

No 73 Jefferson Wilson
Appellant-
vs
United States of America
Appellee

This cause came on regularly for hearing and argument-made to the Court- by O. J. Rourke Esq. Attorney for appellant- upon the conclusion of whose argument-
Court rose until 10 Oclock tomorrow morning
January 12th 1893.

Associate Justice Kibbey
Not sitting during the trial
of this Cause No 73

Chief Justice
Associate Justice
Richard E. Sloan "
Edmund W. Wells "

January Term. 1893
Phoenix Thursday January 12/93

Present His Honor Henry C. Gooding Chief Justice
" Richard E. Sloan Associate "
" Edmund W. Wells " "
Robert H. Paul U.S. Marshal
J. D. Hammond Clerk

73 Jefferson Wilson
Appellant-
vs
United States of America
Appellee

Argument in this Cause Commenced Yesterday- by O. J. Rourke Esq Attorney for Appellant- was at the opening of Court resumed- Thos. F. Wilson- United States Attorney- Appeared and argued in behalf of the appellee- the United States of America-
Court rose until 2. Oclock P.M.

Court re-convened at the hour of 2 Oclock PM this- Thursday January 12 1893 -

73 Jefferson Wilson Appellant
vs
United States of America Appellee

Upon the re-convening of the Court- argument in this Cause again resumed- W.H. Lowell of Counsel for Appellant- arguing to the Court- Upon the conclusion of his argument- this Cause being fully argued- it is now ordered that said Cause be submitted.

Court rose to met to morrow (Friday) Morning at 10. Oclock

Richard E. Sloan Associate Justice
Edward White Associate Justice

Chief Justice
Associate Justice
Associate Justice

January Term 1893

Phoenix. Friday January 13. 1893

Court met at the hour of 10. O'clock in the forenoon
Present — His Honor- Henry C Gooding Chief Justice
Joseph K Kibbey Associate Justice
Richard E Sloan "
Edmund W Wells "

Robert A Paul U.S. Marshal
T. D Hammond Clerk

In the matter of the application of Sarah Inslee Herring to be admitted to practice as an attorney and Counsellor in this Court

On motion of W H Barnes Esq and it appearing to the Court that the applicant has been duly admitted to practice in the First Judicial District Territory of Arizona in & for the County of Cochise, and fully qualified for admission to practice in this Court; it is ordered that Sarah Inslee Herring be admitted to practice as an attorney and Counsellor in this Court- whereupon the oath required by law to be taken by an applicant was administered to her by His Honor Henry C Gooding Chief Justice- and the Clerk of this Court directed to issue to her the necessary license

361 Territory of Arizona
Appellant
vs
Stevens. Brierly Land &c
the Delinquent List of Land
County (Cochise) fiscal Year 1891
Appella

Now comes C H Alexander Atty for Appellee and asks leave of the Court to file his brief and submit this Case & pacte. ordered by the Court that Motion to file Brief be granted and that Case stand submitted with leave to appellant to file Brief -

372

to 347

Emma J. Gonzales
Appellant
vs
E. W. French and J. E. Jones
as Trustees for the inhabitants of
Flagstaff Arizona

Upon motion of Attorneys for Appellant and Appellee it is ordered that this cause be submitted on Briefs.

348

George Brown
Appellant
vs
The Mayor & Common Council
of the City of Tombstone & Frank
Ryan. Chief of Police
Appellee

This Cause came on regularly for trial and being fully argued to the Court by W. H. Barnes Esq Attorney for appellant and by William Herring Esq Attorney for appellee - It is ordered that this cause be submitted for the consideration of the court

354

The Southern Pacific Company
Appellant
vs
Bertha Tomlinson
Appellee

Counsel for respondent moves the court to set the cause for hearing on its merits - not waiving his motion to dismiss the appeal pending - Cause set for oral Argument on merits for Thursday January 19th next -

337 Frederick W. Smith
Appellant
vs
United States
Appellee

It is hereby agreed and stipulated by and between the parties to the above entitled action by their attorneys that said cause be continued for the term for the reason that Thomas F Wilson the United States Attorney cannot act in the case for Appellee
Dated January 13, 1893 Signed

Thos F Wilson
United States Atty
C. F. Ainsworth and
W. A. Barnes
Attorneys for Appellant

Court rose until 10 a m to morrow (Saturday) morning
January 14. 1893

Chief Justice
Richard E. Sloan Associate Justice
Edmund W. Wells " "

January Term 1893

Phoenix, Ariz. Saturday. January 14th/93

Court met at the hour of 10. a M.

Present- His Honor Henry C Goodrich Chief Justice
" Joseph H Kibbey associate Justice
" Richard E Sloan " "
" Edmund W Wells " "

Robert H Paul U S Marshal
J. D. Hammond Clerk

George Brown
vs Appellant-
The Mayor & Common Council of the City of Tombstone et al
Appellees

348

Comes the attorney for Appellees and suggests a diminution of the record for the reason that the transcript filed herein omits to include the whole of the answer of defendant filed in the Court below to plaintiffs Complaint and moves this Court for an order directing A. H Emanuel, Clerk of the District Court for the County of Cochise to forthwith transmit to the Clerk of this Court a true Copy of the said answer and the whole thereof.

Whereupon - by reason of the premises and the affidavit of Wm Herring filed herein It is ordered, that A H Emanuel Clerk of the District Court of the First Judicial District in and for the County of Cochise be, and he hereby is directed to forthwith transmit to the clerk of this Court under his hand, and the seal of said Court, a true copy of the answer and the whole thereof filed in the above cause in said Court; and it is further ordered that said answer be filed with and as a part of the transcript on appeal in the above entitled cause

370 Don Yan
Plaintiff in Error
vs
Ah Gow
Defendant in Error

On Motion of C. H. Wright Attorney for Defendant in error ordered that this Cause be submitted.

368 The Arizona Lumber & Timber Company
Appellant
vs
Wm Mooney
Appellee

On Motion of Mr Morris atty for Appellant- Cause submitted on Briefs- and leave given said attorney to file brief in reply to motion to affirm - on or before Monday 16th January

337 Frederick W Smith et al
Appellant
- vs -
United States of America
Appellee

Ordered that the above entitled cause be continued for the term.

366 F. E Jordan et al
Appellant
vs
John Dake & W M Ferguson
Appellee

On Motion of Herndon Hawkins attorney for appellant it is ordered that appellants have 90 days in which to file Briefs and that appellee have 60 days thereafter to file Brief in reply - and that this action stand submitted on the briefs so filed unless the Court consent and Counsel agree that the same may be orally argued at the next term of Court and the cause continued to the next term of Court-

349 Atascosa Water Company
Appellant
vs
George W Swain
Appellee

The Court having had under consideration a Motion to dismiss appeal in this case heretofore filed and argued by the respective Counsel in the 10th inst now orders that said Motion to dismiss be denied.

354 Southern Pacific Company
Appellant
vs
Bertha Tomlinson
Appellee

Amendment to record allowed Jany 23/93 on motion of the Court

This cause coming on to be heard upon the appellees motion herein to dismiss the appeal herein for the reason that no appeal Bond as required by law has been filed herein
The said motion after argument is by the Court-overruled for the reason that it appears to the court that the bond on file herein is a sufficient bond on appeal though insufficient as a supersedeas Bond.

Ordered by the Court - that "Motion to dismiss" in this cause be denied.

Saturday Jany 14. 1893

351 Charles R Moore
Appellant
vs
A.J. Preston
Appellee

It is by the Court ordered that the Motion to dismiss Appeal in this Cause be denied- and on motion of W.M. Lovell attorney for Appellee-leave granted to appellee to file brief within 10 days- and Cause considered as submitted.

349 Huachuca Water Company
Appellant
vs
George W Smith
Appellee

Appellee by his Counsel W.H. Stilwell Esq moved the Court to enter order affirming Judgment of the Court below upon the ground that Appellant had not in his Assignment of errors set up as error the overruling of the motion for a New trial in the Court below

Appellant moved the Court for permission to amend his Assignment of errors -

362 Waterdale Mining Company
Appellant.
vs
E.W. Leach et al E.B. Gage
Appellees

This Cause coming on regularly for hearing W.H. Stilwell Esq appearing in behalf of Appellant and William Herring Esq appearing in behalf of Appellees

The hour of 12 o'clock (Noon) being reached before the Conclusion of the Argument
Court rose to meet at 2 o'clock PM

Court re-convened at 2. Oclock P.M. this Saturday Jany 14.

Argument in case Waterville Mining Company -vs- E.W. Leach and E. B. Gage was resumed - Members of the Court all present - except Associate Justice Sloan - he having presided as trial Judge in the district Court from which this appeal comes - did not sit during the trial of this cause in this court

Discussion and arguments by the respective Counsel were continued during the afternoon - and not concluded at the hour of adjournment -

Court rose to Stand at recess until -

10. Oclock. Monday Morning - January 16. 1893

Chief Justice.
Associate Justice.
Richard E. Sloan "
Edmund W. Wells.

January Term 1893

Phoenix, Monday January 16. 1893

Court met at the hour of 10 O'clock a.m. pursuant to order made and entered Saturday January 14. 1893

Present His Honor. Henry C Gooding Chief Justice
Joseph W Kibbey Associate "
Richard Estlow " "
Edmund W Wells " "

Robert H Paul. U.S. Marshal
I D Hammond— Clerk

349 Hua Chuca Water Company
Appellant-
vs
George W Darwin
Appellee

Now comes William Henry and moves the Court for leave to file a motion in writing to amend Appellants assignments of errors-
Ordered by the Court that leave be granted to file said Motion

370 Don Yan
Plaintiff in Error
vs
Ah- Yon
Defendant in Error

Now comes William H Barnes of counsel for Plaintiff in error & moves the Court for leave to file- Amended Assignment of Errors in this Cause- Motion granted by the Court-

312 Now comes J C Herndon Esq of Counsel for an order directing
that Cause 312 - Kansas City Mining & Milling Company - vs -
317 James W Clay and Cause 317 - John Biancone vs Parley Smith
now in this Court on motions for a re-hearing - omitted from the
Calendar - be placed upon the Calendar - order granted by the
Court and the Clerk directed to Cause said Causes to be placed on
the Calendar of Causes for this term.

372 Board of Regents of the
University of Arizona
Appellant
vs
Mary Charlebois
Appellee

On motion of C F Ainsworth Esq
it is ordered that the above entitled Cause be placed on the Calendar
and that leave be granted to file Transcript - after Bill of Exceptions
be signed and filed with the Court below - subject to the
further determination of the Court of the motion to confirm the Judgment
of the Court below - for failure to file Transcript within time

362 Waterval Mining Company
Appellant
vs
C W Leach et E B Sage
Appellees

Oral argument in this Cause
resumed - W H Stilwell Esq Counsel for Appellant Continuing his argument - commenced yesterday and followed
by Pelham Evans Esq Counsel for Appellee -
Associate Justice Richard E Sloan - who tried the Cause in the Court
below not sitting -

Court now stand at recess until 1 o'clock P.M of this
day

Monday January 16. 1893

Court convened at 1 45 P.M. Members and officers of the Court all present except Associate Justice Richard E Sloan

362 Watervale Mining Company
Appellant
vs
C.W. Lach and E.B. Gage
Appellees

Argument in this cause resumed - W.H. Stilwell Esq Attorney for Appellant makes the closing & final argument to the Court - Upon the conclusion of whose argument - the cause - having been fully argued by the respective Counsel was submitted to the Court for its consideration & decision

The following order was thereupon promulgated by the Court - to the rule of this Court - Concerning Oral Arguments, Chief Justice Hardy C Gooding speaking for the Court - all the members of the Court being present.

"On Oral arguments in cases on Appeal - or Writ of Error in this Court, the time occupied shall be limited to One Hour on each side - unless upon written motion previously filed with the Clerk and presented to the Court; sufficient cause be shown for an extension of time.

The order of the argument shall be unless otherwise ordered, 3/4 of an hour to the Appellant - or Plaintiff in Error in which to open; 1 hour to Appellee for answer and 1/4 of an hour to Appellant for reply.

350 James Reilly appellant
vs
T. A. Atchinson Appellee

On motion of Allen R English Esq I made in open Court- Saturday January 14th 193 ordered by the Court that the cause stand as submitted- on the filing of a Stipulation by & between attorneys in the cause - Concerning & relating to a diminution of Record

Court rose to met at 10 O'clock to morrow- Tuesday morning.

Chief Justice
Richard E. Sloan Associate "
Ernest W. Wells Associate "

Friday ... January 17. 1873

Court met at the hour of Ten O'clock. A. M.

Present — Hon Homer Henry C Gording Chief Justice
" Joseph A Kibbey Asst Justice
" Richard E Sloan " "
" Edmund W Wells " "

Robert Paul U.S. Marshall
T. D Hammond Clerk

363 H. A. Owen
Appellant
vs
John Howard and
E. Arthur Allen
Appellees

On Motion of James A. Wright Esq Attorney for Appellant = this Cause was set for Oral argument to morrow afternoon at 2. O'clock

359 John G. Campbell
Appellant
vs
P. L. Kastner and
Ellen J. Sloane
Appellees

On motion of J. E. Wilson Esq Counsel for Appellant this Cause set for hearing to morrow Wednesday afternoon

Court now to stand at recess until 2. O'clock P.M

Two O. Clock P. M. Tuesday January 17. 1843

Court re-convened.

370 Don Gan
Plaintiff in Error
vs
Ah Gow
Defendant in Error

Now comes W. H. Barnes Esq. Attorney for Plaintiff in Error and makes Oral Argument to the Court.

Court rose until Ten Oclock to-morrow morning.

Chief Justice
Assoc. Justice
Richard E. Brunt
Ennnet W. Wells

January Term 1893

Phoenix. Wednesday - January. 18.

Court met at the hour of Ten Oclock (morning)

Present Hon Henry C Gooding Chief Justice
Joseph A Kibbey Asst Justice
Richard E Sloan "
Edmund H. Wells "

Robert A Paul U.S. Marshal
T. D. Hammond Clerk

366 F E Jordan et al
vs
John Dirks et al

Upon motion it is ordered that appellants may this day file Amendment to their assignment of Errors herein - making assignments 16 & 17 more specific - and said amendments shall be taken and mad as parts of the assignments of Errors herein.

362 The Waterloo Mining Company
Appellant -
- vs -
C. W. Leach et E B. Gage
Appellees

Ol. Motion &c. it.

Stilwell Attorney for Appellant - with Consent of William Heney attorney for Appellee it is ordered that the above entitled Cause be submitted to the Consideration of the Court -

The following Rules were read in Open Court by the Chief Justice and declared to be "Rules of this Court" and the Clerk directed to record the same in the Minute Records of this Court.

Rule 1.

The "Assignment of Errors" must distinctly specify each ground of error relied upon. - To be distinct, the assignment must state the particular ruling complained of; the particular ruling complained of has been embodied in a motion for a new trial with other rulings, in any other motion, in a Bill of Exceptions, in a Statement of Facts, or otherwise in the record, it must nevertheless be set forth in the Assignment of Errors specifically, or it will be deemed waived.

The assignment of error that the court erred in overruling a motion for a new trial, where the motion is based upon more than one ground, will not be considered as distinct and specific, but in addition to such assignment, each ground set out in the motion relied upon, as error in this Court must be separately and distinctly stated.

The purpose of the Assignment of Errors in the first instance, is, to apprise the Appellee of the particular specific rulings of the trial court, of which the Appellant complains and Secondly; to call the attention of this Court thereto.

Any objection to any ruling or action of the Court below, will be deemed waived here, unless it shall have been assigned as error, in the manner above provided.

No Amendment of an Assignment of Errors will be allowed, except upon a full showing by affidavit of excusable neglect.

No Assignment of Errors will be allowed, except upon a full showing by affidavit of excusable neglect.

No Assignment of Errors will be allowed in this Court, when none were filed in the District Court, nor an additional Assignment of Errors, except by Consent of the parties here.

Rule 2.

In assigning error in the giving of instructions to the jury by the lower court, the Appellant must state whether the instruction complained of is erroneous in its statement of the law applicable to any State~~ment~~ of Facts or that it is an improper application of the law to the particular facts of Case appealed, stating briefly, the facts to which it is applied.

1/18/93

If the instruction contains more than one proposition of law, or contains a limitation of a general proposition the assignment shall distinctly specify, what proposition or limitation is complained of.

If the refusal to give an instruction asked for by the Appellant in the Court below be assigned as error, the assignment must state the applicability of such instruction to the facts of the case.

Rule 3.

This Court will deem as waived all errors not argued in his brief by the party assigning them.

Court rose to meet at 2 O'clock P.M.

Court re-convened at the hour of 2 O'clock P.M.

364 W.T. Gray etal
vs
Geo F Spranginburg

Comes now Webster Flowers - Esq of Counsel for Appellee and moves the Court for extension of time in which to file his brief - and upon good cause being shown - it is ordered by the Court that said Appellee have 7 days from and after this day to file his Brief

363 N. A. Owen
Appellant
vs
John Howard etal
Appellee

This cause coming on regularly to be heard by the Court - and upon being argued fully by the respective Counsel - James A Wright - appearing for Appellant and Harris Baldwin appearing for Appellee - this Cause was submitted to the Court for its consideration Edmund W. Wells - Associate Justice - not sitting

1/18/93

359 John L. Campbell
Appellant
vs
A. L. Kastner & Ellen J. Thorne
Appellees

This cause coming on for hearing, this day having heretofore been designated by the Court for the hearing of oral argument of the respective Counsel in said cause — J. F. Wilson Esq appearing and arguing to the Court in behalf of the Appellant — Hemie Baldwin Esq attorny for Appellee moved the Court to grant to him 60 days in which to prepare and file his brief — in lieu of oral argument — and upon the filing of said Brief this Cause stand submitted — the opposing Counsel consenting it is so ordered by the Court —
Associate Justice Wells — not sitting

367 John Bishop
Appellant
vs
E. C. B. Perrine
Appellee

On motion of John Catron Counsel for Appellant — Consented to by E. M. Dox of counsel for Appellee — it is ordered by the Court that Appellant have 20 days to prepare and file this Brief — that Appellee have 30 days thereafter to file his Brief in like manner and that the cause stand submitted on said Briefs —

The Committee heretofore appointed by this Court to draft suitable resolutions of respect to the memory of Hon John C Shields deceased — late Chief Justice of this Court — Comes now by its Chairman Hon W. W. Porter and presents the following resolutions —

Whereas :— the members of the Bar of this Territory have heard with deep regret of the death of Judge John C. Shields former Chief Justice of the Territory.

Be it Resolved: That it is the sense of the Bar of the people of the Territory that while holding the office of Chief Justice he was held in high esteem in his personal relations as a gentl

the highest sense of honor, genial and kind with his associates. As a Judge he was firm and possessed a mind peculiarly suited to the position, active and analytical and well grounded in all the principles of the law. His opinions were well and forcibly written and will compare with the best jurists.

His earnest desire was to administer the law justly and equitably, keeping always in view the unchanging principles of Justice.

We mourn his loss to the profession, and tender to his bereaved wife and mother our heart felt sympathies.

Committee { Mr W. Porter
Jno J Hawkins
W. H. Stilwell
Clark Churchill
Harris Baldwin

The foregoing Resolutions having been read in open Court, the Chief announced that as a further mark of respect to the deceased this Court would now adjourn and stand at recess until to morrow morning at 10. O'clock—

Chief Justice
Associate Justice
Richard E. Sloan "
Edmund W. Wells "

January Term. 1893

Phoenix. Thursday January 19. 1893

Court met at 10. Oclock in the forenoon. this 19th day of January— present

His Honor Henry C Gooding Chief Justice
" Joseph A Kibbey Associate "
" Richard E Sloan " "
" Edmund W Wells " "

U.S. Marshal—by J. Molloy deputy
T. D Hammond Clerk

354 The Southern Pacific Company Appellant—
vs
Bertha Tomlinson Appellee

This cause having been set for hearing on this day came on regularly and was argued by the respective Counsel.

A. H. Alexander Esq Attorney for Appellant opening the argument— on behalf of the Southern Pacific Company—

Joseph Campbell of Counsel for Appellee following— with argument on behalf of Bertha Tomlinson— said appellee

And the cause being fully argued by the respective counsel was submitted to the Court for its consideration and decision—

Court now takes a recess until to-morrow morning at 10 Oclock

Chief Justice
Asst Justice
Richard E. Sloan Asst Justice
Edmund W. Wells Asst Justice

January Term 1893

Phoenix, Friday January 20. 1893

Court met at the hour of 10 A.M.

Present — Hon Stover Henry C Gooding Chief Justice
" Joseph H Kibbey Associate Justice
" Richard E Sloan " "
" Edmund W Wells " "

H. S. Marshall by his Deputy. J. Mallory
J. D. Hammond Clerk

377 Board of Regents of the University of Arizona
vs
Mary Charlebois

Comes now Webster Street and moves the Court for permission to file written objections to order granting Appellant leave to file transcript - motion granted by the Court -

342 Southern Pacific Company Appellant
vs
William McGill Appellee

On motion of J. C. Israel of Counsel for Appellee - permission granted to file a Motion to Strike out - parts of the Transcript herein -

Motion of J. C. Israel for extension of time for argument of this cause - beyond the time stated in Rule of the Court - ordered that said motion be denied -

353 The Territory of Arizona Appellee
vs
Persons, Real Estate etc
The Delinquent List of Pima Co

On Motion of appellee in this cause - it is ordered that said appellee have leave to file "Motion for Judgment."

On Motion of Wm Maxwell Atty for Dona Sanford - time extended to Monday next to file Brief -

Friday, Jany 20. 1893

342

Southern Pacific Company
Appellant
vs
William McGill
Appellee

This cause having been set for oral argument this day - came on accordingly for hearing and was argued to the Court by A.W. Maxwell Esq attorney for Appellant - E.C. Israel and Francis J. Heney - Attorneys for Appellee - and the said cause being thus fully argued was submitted to the Court for its consideration and decision

Previous to the submission of the cause on Motion of A.W. Maxwell permission was granted to him by the Court to file an amended Assignment of Errors.

Associate Justice R.E. Sloan not sitting

Court rose to stand at recess until to morrow morning at 10. O'clock A.M.

Chief Justice
Associate Justice
Richard E. Sloan "
Erskine M. Wells "

January Term 1893

Phoenix. Saturday - January 21st

Court met at the hour of 10 Oclock A. M.

Present Hon Hon Henry C Gooding Chief Justice
Joseph H Kibbey Associate "
Richard E Sloan " "
Edmund W Wells " "

U. S. Marshal by Deputy J Molloy
T D Hammond Clerk

372

69 In the matter of the Application of J J Smith for a Writ of Habeas Corpus } Comes now E. M. Doe attorney for applicant - and moves the Court for permission to withdraw papers on file in this Court in the above entitled action - and to refile them in a new action.

order of the Court granting motion

332 Arizona Central Bank ..
Appellant
vs
E H Mitchell
Appellee } On Motion of Harris Baldwin 14 days time allowed appellee to file Brief

Saturday January 21. 1893

3413 In the matter of the Estate of J D Walker deceased
vs
A J Doran. Administrator

This cause came on regularly for hearing this day having been set for oral argument of Counsel Joseph Campbell Esq appearing and arguing the Court in behalf of Eleanor D Walker - widow and appellant S M Franklin & W H Barnes Esqrs making the argument for and on behalf of appellee - and the cause being fully argued it was submitted -
Associate Justice Kibbey not sitting.

Court adjourned to meet Monday morning at 10 Oclock in the forenoon - 23 inst

Chief Justice
Associate "
Richard E. Sloan Associate "
Edmund O. Wells Associate "

January Term 1893

Phoenix Monday January 23rd 1893

Court met pursuant to adjournment at the hour of 10 Oclock A.M.

Present Hon Hosea Henry C Gooding Chief Justice
Joseph H Kibbey Associate "
Richard E Sloan " "
Edmund L. Wells " "

R H Paul U.S. Marshal by
J. Molloy Deputy
T O'Hammond Clerk

In the matter of the
Application of R E Wilson
to be admitted to practice as
an Attorney and Counsellor
in this Court

On Motion of J C Samuel Esq
and the presentation of a Certificate of admission to practice
in the District Court of the 1st Judicial District of this
Territory in and for the County of Graham it being shown
to the satisfaction of this Court that said applicant was duly qualified - it is ordered by the Court that he be admitted
and the Clerk of this Court directed to issue to him the
necessary license upon his taking the oath prescribed
by law and signing the Roll of Attorneys

77 In the matter of the application of J J Smith
for a Writ of Habeas Corpus

Comes now E W. Doe Attorney
for Applicant by A C Baker Esq and moves the Court
for permission to file his petition for a Writ of Habeas Corpus
and for leave to file Brief in said action -
Ordered by the Court that said Petition be filed and
30 days be allowed Attorney General to answer the Clerk
to notify the Attorney General of this order -

368 Arizona Lumber & Timber Company
vs
William Mooney

Appellant
Appellee

Comes now T. J. Harris of Counsel for Appellant and moves the court for permission to make a short oral argument in this Cause —

Ordered by the Court that said motion be denied and that said Attorney have 10 days in which to file Supplemental Brief in lieu thereof.

365 Henry Dial
Appellant
vs
Oscar Olsen et al
Appellee

Comes now R E Watson Attorney for Appellee and moves the Court to grant him 15 days time in which to file his Brief —

Ordered by the Court that the time asked for be granted and the cause stand submitted on Briefs

Court rose to stand at recess until Wednesday Jany 25. at 10 o'clock in the forenoon

Chief Justice
Associate "
Richard E. Sloan "
Emmet O. Rowell "

January Term. 1893

Phoenix. Wednesday 25. January

Court met at the hour of Ten O'clock A M of this day-

Present- His Honor Henry C Gooding Chief Justice
Joseph H Kibbey Asst "
Richard E Sloan " "
Edmund W Wells " "

U.S. Marshal - by J Molloy Deputy
J D Hammond Clerk

68 John. Davis
Appellant-
vs
Territory of Arizona
Appellee

Opinion by Kibbey J.

The above cause having come to this Court on appeal from a judgment rendered in the Second Court of the First Judicial District of this Territory and in the County of Pima, and having been heretofore submitted to this Court for its consideration and decision, and the said cause having been fully considered. It is ordered adjudged & decreed that the said judgment of the lower Court- be and the same is hereby affirmed.

67 Baldish, Bas-el-cle. Guadalupe Bautista Bautista
Appellant-
vs
The Territory of Arizona,
Appellee

Opinion by E.W. Wells- J.

This cause having been heretofore submitted to this Court- for its consideration and decision, and the Court- having fully considered said cause, and being fully advised in the premises. It is now by the Court- ordered adjudged & decreed that the judgment rendered in said cause in the Court below- from which this appeal was taken- be and the same is hereby Affirmed

1/25/93

323 The Persons. Real. Estate. Land & Property described in the Delinquent List of the County of Yavapai for the Year 1889

Appeal of John De la Vergne

Appellant.

vs

The Territory of Arizona

Appellee

The above cause coming on in its order to be heard to be heard at this January term 1893, of this Court, and the cause being fully and finally submitted upon Briefs, by the attorneys for the respective parties, and the said cause having been fully and duly considered by the Court- the judgment of the Court below is Affirmed and it is so ordered.

Opinion by Kibbey J

338 Louis Fiebes & Jacob Fiebes

-vs- Appellant-

Wally E Steffy

Appellee

This cause having heretofore been submitted to this Court for consideration and decision- and the Court having duly and fully considered said cause- being well advised in the premises does now order adjudge & decree that the judgment rendered in said cause in the Court below- the District Court of the second Judicial District- in and for the County of Pinal be and the same is affirmed- and it is further ordered by this Court that the appellee herein do have and recover from the Appellant- on the appeal bond herein and his sureties- his costs expended herein taxed at $ (Opinion by Gooding Chief Justice)

317 John Biancone- Appellant-

-vs-

Parley Smith- Appellee

The above entitled cause coming and being before this Court on a "Motion for" Re-hearing. It is by the Court upon due and full consideration of said motion ordered adjudged & decreed- that said Motion for a re hearing be denied and the Clerk will issue the Mandate according to this decision

Opinion by Sloan J.

1/25/93

333. Price W Butler- as administrator, of the Estate of Georgia Butler- deceased Appellant-

vs

Trinidad Shumaker and A. Shumaker- Appellee

This cause having been taken on this 27th day of January 1892- been submitted to this Court- for its Consideration & decision and the Court having duly and fully considered said Cause & being well advised in the premises. It is by the Court- ordered, adjudged and decreed that the judgment rendered in the Court- below- appealed from, be, and the same is hereby affirmed and further. It is ordered that the appellee do have and recover from the appellant herein & his Sureties on the appeal herein herein expended- taxed at- $12.50

Opinion by Wells, J.

329 Delos. Arnold Appellant-

-vs-

William Christy Appellee

Opinion by Sloan. J.

This Cause being an action in this Court- on Appeal from a judgment rendered in said Cause in the District Court- of the 3rd Judicial District of this Territory and County of Manistee and having been heretofore fully and finally submitted to this Court- on Briefs filed by the Attorneys of the respective parties Come in its order on for hearing and Consideration- and this Cause having been duly and fully Considered by the Court- It is ordered by the Court- that the said judgment hereinbefore mentioned of the Court below be reversed and the Cause remanded for a New trial and the Clerk of this Court- is directed to issue the Mandate in accordance therewith.

1/25/93 Done

341 George W Swain Appellant

— vs —

Cochise County Appellee

Opinion by Gooding C.J.

The above cause coming to & being in the Court on appeal from a judgment rendred in said cause in the District Court of the Sixth Judicial District of this Territory and in the County of Cochise and said Cause having been heretofore fully and finally submitted upon Briefs by the Attorneys of the respective parties for the consideration of the Court. Now therefore the Court being fully advised in the premises upon due and full consideration thereof This ordered adjudged & decreed by this Court that the judgment rendered in this cause in the Court below be affirmed - and further that the Appellee do have and recover from the appellant its Costs herein expended taxed at $11.00 and that Mandate in accordance herewith do issue -

328 The San Pedro Cattle Company a Corporation Appellant -

vs

G. M. Williams Appellee

This cause having been submitted to the Court for consideration and decision, And the Court being fully advised in the premises: It is now therefore by the Court ordered and adjudged, and the judgment of the Court below be, and the same hereby is affirmed.

It is further ordered and adjudged that G. M. Williams the appellee herein do have and recover from the San Pedro Cattle Company, a Corporation, the Appellant herein, and from A. E. Lacy & A. B. Tenney its sureties on the Appeal Bond in this Cause the sum of Two Thousand Seven Hundred and fifty eight 25/100 dollars ($2758.25) together with the interest on the sum of Two Thousand Dollars ($2000.00) from 16th March 16. 1891. at the rate of Seven per cent per annum and Twenty 55/100 Dollars ($21.55) costs during the pendency of the judgment; interest and costs rendered by the Court below, and hereby affirmed; and that said Appellee do also have and recover from said Appellant and said A. E. Lacy & A. B. Tenney, its said sureties, his, said Appellee costs on said Appeal to this Court hereby taxed at

Opinion by Rabby J.

1/25/93

330

W. T. Gray and George D. Jordan
Appellants
vs
William A. Robinson
Appellee

The above entitled action having been tried by the Supreme Court and its written opinion filed herein affirming in all respects the judgment and decree of the Court below and the Appellees costs on appeal having been duly taxed by the Clerk of this Court at the sum of $12.80

Now on motion of C. Ainsworth the attorney of the Appellee William A. Robinson. It is considered and adjudged by the Court that the judgment and decree of the Court below be and the same is in all respects and matters affirmed, and that the Appellee William A. Robinson do have and recover of the Appellants W. T. Gray and George D. Jordan and their Sureties on their appeal bond E. A. Bennett and P. A. Coyle the amount of the judgment in the Court below with interest thereon from the date thereof at the rate of Seven per cent per annum, to wit the sum of Twelve hundred forty Seven and 05/100 Dollars with interest thereon since the 19th day of November A.D. 1890 to gether with Twelve dollars and Eighty cents Costs of Appeal in this Court.

Opinion by Sloan, J.

1/25/95

4

367 Watervale Mining Company Appellant

-vs-

C.W. Leach et al & E.B. Gage Appellees

Opinion by Kibbey J

This cause coming on for hearing on an appeal from a judgment heretofore rendered in the District Court of the First Judicial District, this Territory, in the County of Cochise, and the said cause having been duly and fully argued to the court by the attorneys of the respective parties hereto, and finally submitted to the court for consideration and decision:

Now therefore; having had said cause under consideration and being well advised in the premises, the ~~court~~ by this court ordered and adjudged, that the judgment rendered in this said cause in the Court below, be, and the same is hereby reversed, and the cause is remanded to the Court below with directions to said Court to enter judgment for the Plaintiff, in accordance with this opinion, ~~And it is further ordered and adjudged that the Appellee herein do have and recover of the Appellees (C.W. Leach and E.B. Gage) (and their sureties on the Appeal Bond) herein its costs expended in this Court taxed at $ [illegible]~~

In the Supreme Court }
Territory of Arizona }

To the United States Marshal for the Territory of Arizona

It is hereby ordered that you procure for the use of this Court the following Stationery & Blankery Supplies.

1000 Printed Letter Heads — 1000 No 6. Envelopes
2 Reams Ruled Cap paper — 1 Ream Legal Cap paper
3 Boxes Rubber Bands Assd — 1/2 doz Memo Pads
2 " Paper Fasteners — 1 " Pencils
1 " Eyelets & Shot — 1 " " Rubber Tipped
1 " Pins — 1/2 " Pen holders
2 " Lead Pens assd — 1/2 " Rubber Erasers
1 pr Shears — 1 bot Mucilage
1 gross Bottle Ink — 1 Ink Stand
2 Roller Tape — 100 Covers for Papers
1 Record Book — 1/2 doz Sheets Blotting Paper
1 Opinion Book

In Memoriam

Lucius Q.C. Lamar

Late Associate Justice
Supreme Court
U. S.

Died January 23
1893.

In respect to the memory of the Hon Lucius Quintius Cincinnatus Lamar, late Associate Justice of the Supreme Court of the United States, the Court now stands adjourned to Saturday January 28th 1893.

Henry B. Brown — Chief Justice
Joseph P. Bradley — Asso. Justice
Asso. Justice
Asso. Justice
Asso. Justice

January Term 1893

Friday January 27.

Court rose to stand at recess until Saturday Morning at 10 O'Clock January 28. 1893

Chief Justice
Associate Justice
Richard E. Sloan "
Edmund H. Wells "